

SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1552

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.

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*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,  
2 are repealed and three new sections enacted in lieu thereof, to  
3 be known as sections 160.415, 160.425, and 161.670, to read as  
4 follows:

160.415. 1. For the purposes of calculation and  
2 distribution of state school aid under section 163.031,  
3 pupils enrolled in a charter school shall be included in the  
4 pupil enrollment of the school district within which each  
5 pupil resides. Each charter school shall report the [names,  
6 addresses, and] eligibility for free and reduced price  
7 lunch, special education, or limited English proficiency  
8 status, as well as eligibility for categorical aid, of  
9 pupils resident in a school district who are enrolled in the  
10 charter school to the school district in which those pupils  
11 reside. The charter school shall report the average daily  
12 attendance data, free and reduced price lunch count, special  
13 education pupil count, and limited English proficiency pupil  
14 count to the state department of elementary and secondary  
15 education. Each charter school shall promptly notify the  
16 state department of elementary and secondary education and

17 the pupil's school district when a [student] pupil  
18 discontinues enrollment at a charter school.

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

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

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

35 (3) If the department overpays or underpays the amount  
36 due to the charter school, such overpayment or underpayment  
37 shall be repaid by the [public] charter school or credited  
38 to the [public] charter school in twelve equal payments in  
39 the next fiscal year.

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

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

48 3. A workplace charter school shall receive payment  
49 for each eligible pupil as provided under subsection 2 of

50 this section, except that if the [student] pupil is not a  
51 resident of the district and is participating in a voluntary  
52 interdistrict transfer program, the payment for such pupils  
53 shall be the same as provided under section 162.1060.

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

70 5. If a school district fails to make timely payments  
71 of any amount for which it is the disbursal agent, the state  
72 department of elementary and secondary education shall  
73 authorize payment to the charter school of the amount due  
74 pursuant to subsection 2 of this section and shall deduct  
75 the same amount from the next state school aid apportionment  
76 to the owing school district. If a charter school is paid  
77 more or less than the amounts due pursuant to this section,  
78 the amount of overpayment or underpayment shall be adjusted  
79 equally in the next twelve payments by the school district  
80 or the department of elementary and secondary education, as  
81 appropriate. Any dispute between the school district and a  
82 charter school as to the amount owing to the charter school

83 shall be resolved by the department of elementary and  
84 secondary education, and the department's decision shall be  
85 the final administrative action for the purposes of review  
86 pursuant to chapter 536. During the period of dispute, the  
87 department of elementary and secondary education shall make  
88 every administrative and statutory effort to allow the  
89 continued education of [children] students in their current  
90 [public] charter school setting.

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

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

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

111 (2) Provide a term sheet setting forth the proposed  
112 duration of the service contract; roles and responsibilities  
113 of the governing board, the school staff, and the service  
114 provider; scope of services and resources to be provided by  
115 the service provider; performance evaluation measures and

116 time lines; compensation structure, including clear  
117 identification of all fees to be paid to the service  
118 provider; methods of contract oversight and enforcement;  
119 investment disclosure; and conditions for renewal and  
120 termination of the contract;

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

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

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

130 (6) Provide a process to ensure that the expenditures  
131 that the education service provider intends to bill to the  
132 charter school shall receive prior approval of the governing  
133 board or its designee.

134 8. A charter school may enter into contracts with  
135 community partnerships and state agencies acting in  
136 collaboration with such partnerships that provide services  
137 to [children] students and their families linked to the  
138 school.

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

144 10. (1) The proportionate share of state and federal  
145 resources generated by students with disabilities or staff  
146 serving them shall be paid in full to charter schools  
147 enrolling those students by their school district where such  
148 enrollment is through a contract for services described in

149 this section. The proportionate share of money generated  
150 under other federal or state categorical aid programs shall  
151 be directed to charter schools serving such students  
152 eligible for that aid.

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

157 11. A charter school **[may]** shall not charge tuition or  
158 impose fees that a school district is prohibited from  
159 charging or imposing, except that a charter school may  
160 receive tuition payments from districts in the same or an  
161 adjoining county for nonresident students who transfer to an  
162 approved charter school, as defined in section 167.895, from  
163 an unaccredited district.

164 12. A charter school is authorized to incur debt in  
165 anticipation of receipt of funds. A charter school may also  
166 borrow to finance facilities and other capital items. A  
167 school district may incur bonded indebtedness or take other  
168 measures to provide for physical facilities and other  
169 capital items for charter schools that it sponsors or  
170 contracts with. Except as otherwise specifically provided  
171 in sections 160.400 to 160.425, upon the dissolution of a  
172 charter school, any liabilities of the corporation will be  
173 satisfied through the procedures of chapter 355. A charter  
174 school shall satisfy all its financial obligations within  
175 twelve months of notice from the sponsor of the charter  
176 school's closure under subsection 8 of section 160.405.  
177 After satisfaction of all its financial obligations, a  
178 charter school shall return any remaining state and federal  
179 funds to the department of elementary and secondary  
180 education for disposition as stated in subdivision (17) of  
181 subsection 1 of section 160.405. The department of

182 elementary and secondary education may withhold funding at a  
183 level the department determines to be adequate during a  
184 school's last year of operation until the department  
185 determines that school records, liabilities, and reporting  
186 requirements, including a full audit, are satisfied.

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

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

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

201 (1) The amount of state aid and local aid per weighted  
202 average daily attendance received by the school district in  
203 which the charter school is located, not including any funds  
204 remitted to charter schools in the district. For the  
205 purposes of this subdivision, the weighted average daily  
206 attendance of the school district shall not include the  
207 weighted average daily attendance of the charter schools  
208 located in the district; and

209 (2) The amount of state aid and local aid per weighted  
210 average daily attendance of the charter school received by  
211 the charter school.

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

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

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

219 (1) The definitions contained in section 163.011,  
220 shall apply;

221 (2) The term "local aid" shall mean all local and  
222 county revenue received, including, but not limited to, the  
223 following:

224 (a) Property taxes and delinquent taxes;

225 (b) Merchants' and manufacturers' tax revenues;

226 (c) Financial institutions' tax revenues;

227 (d) City sales tax revenue, including city sales tax  
228 collected in any city not within a county;

229 (e) Payments in lieu of taxes; and

230 (f) Revenues from state-assessed railroad and  
231 utilities tax;

232 (3) The term "local aid" shall not be construed to  
233 include:

234 (a) Charitable contributions, gifts, and grants made  
235 to school districts;

236 (b) Interest earnings of school districts and student  
237 fees paid to school districts;

238 (c) Debt service authorized by a public vote for the  
239 purpose of making payments on a bond issuance of a school  
240 district;

241 (d) Proposition C revenues received for school  
242 purposes from the school district trust fund under section  
243 163.087; or

244 (e) Any other funding solely intended for a particular  
245 school district or their respective employees, schools,  
246 foundations, or organizations;



247           (4) The term "state aid" shall mean any revenues  
248 received pursuant to this section and sections 163.043 and  
249 163.087.

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

253           (1) In a metropolitan school district;

254           (2) In an urban school district containing most or all  
255 of a city with more than four hundred thousand inhabitants  
256 and located in more than one county;

257           (3) In a school district that has been classified as  
258 unaccredited by the state board of education;

259           (4) In a school district that has been classified as  
260 provisionally accredited by the state board of education and  
261 has received scores on its annual performance report  
262 consistent with a classification of provisionally accredited  
263 or unaccredited for three consecutive school years beginning  
264 with the 2012-2013 accreditation year under the conditions  
265 described in paragraphs (a) and (b) of subdivision (4) of  
266 subsection 2 of section 160.400; or

267           (5) In a school district that has been accredited  
268 without provisions, sponsored only by the local school board  
269 under the conditions described in subdivision (5) of  
270 subsection 2 of section 160.400.

271           20. (1) The members of the governing board of a  
272 charter school shall be residents of the state of Missouri.

273           (2) Any current member of a governing board of a  
274 charter school who does not meet the requirements in  
275 subdivision (1) of this subsection may complete their term.  
276 Such individual shall not be re-nominated as a member of the  
277 governing board on which he or she sits.

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

281           22. Beginning July 1, 2023, the provisions of section  
282 160.995 shall be applicable to charter schools.

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

          160.425. 1. The "Missouri Charter Public School  
2 Commission" is hereby created with the authority to sponsor  
3 high quality charter schools throughout the state of  
4 Missouri.

          2. The commission shall consist of nine members  
5 appointed by the governor, by and with the advice and  
6 consent of the senate. No more than five of the members  
7 shall be of the same political party. No more than two  
8 members shall be from the same congressional district. The  
9 term of office of each member shall be four years, except  
10 those of the members first appointed, of which three shall  
11 be appointed for a term of one year, two for a term of two  
12 years, two for a term of three years, and two for a term of  
13 four years. At the expiration of the term of each member,  
14 the governor, by and with the advice and consent of the  
15 senate, shall appoint a successor.

          3. The appointees to the commission shall be selected  
17 as follows:

          (1) One member selected by the governor from a slate  
19 of three recommended by the commissioner of education;

          (2) One member selected by the governor from a slate  
21 of three recommended by the commissioner of higher education;

          (3) One member selected by the governor from a slate  
23 of three recommended by the president pro tempore of the  
24 senate;  
25

26 (4) One member selected by the governor from a slate  
27 of three recommended by the speaker of the house of  
28 representatives; and

29 (5) Five additional members appointed by the governor,  
30 one of whom shall be selected from a slate of three nominees  
31 recommended by the Missouri School Boards Association.

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

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

47 6. The commission may approve proposed charters for  
48 its sponsorship under sections 160.400 to 160.425 and shall:

49 (1) Comply with all of the requirements applicable to  
50 sponsors under sections 160.400 to 160.425;

51 (2) Exercise sponsorship over charters approved by the  
52 commission under sections 160.400 to 160.425, including  
53 receipt of sponsorship funding under subsection 11 of  
54 section 160.400. Sponsorship funding due to the commission  
55 shall be deposited to the credit of the charter public  
56 school commission revolving fund created pursuant to this  
57 section.

58           7. Charter schools sponsored by the commission shall  
59 comply with all of the requirements applicable to charter  
60 schools under sections 160.400 to 160.425.

61           8. The commission shall conduct its business in  
62 accordance with chapter 610.

63           9. The department of elementary and secondary  
64 education shall provide start-up funding for the commission  
65 to operate. The commission shall reimburse the department's  
66 costs from any funds it receives as sponsor under section  
67 160.400.

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

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

          161.670. 1. Notwithstanding any other law, prior to  
2 July 1, 2007, the state board of education shall establish  
3 the "Missouri Course Access and Virtual School Program" to  
4 serve school-age students residing in the state. The

5 Missouri course access and virtual school program shall  
6 offer nonclassroom-based instruction in a virtual setting  
7 using technology, intranet, [and/or] or internet methods of  
8 communication. Any student under the age of twenty-one in  
9 grades kindergarten through twelve who resides in this state  
10 shall be eligible to enroll in the Missouri course access  
11 and virtual school program pursuant to subsection 3 of this  
12 section.

13 2. (1) For purposes of calculation and distribution  
14 of state school aid, students enrolled in the Missouri  
15 course access and virtual school program shall be included  
16 in the student enrollment of the school district in which  
17 the student [physically] is enrolled under subsection 3 of  
18 this section; provided that any such student attendance for  
19 full-time virtual program students shall only be included in  
20 any district pupil attendance calculation under chapter 163  
21 and any charter school pupil attendance calculation under  
22 section 160.415, using current year pupil attendance for  
23 such full-time virtual program pupils; and further provided  
24 that in the case of a host school district enrolling one or  
25 more full-time virtual school students, such enrolling  
26 district shall receive no less under the state aid  
27 calculation for such students than an amount equal to the  
28 state adequacy target multiplied by the weighted average  
29 daily attendance of such full-time students. Students  
30 residing in Missouri and enrolled in a full-time virtual  
31 school program operated by a public institution of higher  
32 education in this state shall be counted for a state aid  
33 calculation by the department, and the department shall pay,  
34 from funds dedicated to state school aid payments made under  
35 section 163.031, to such institution an amount equal to the  
36 state adequacy target multiplied by the weighted average  
37 daily attendance of such full-time students.

38           (2) The Missouri course access and virtual school  
39 program shall report to the district of residence the  
40 following information about each student served by the  
41 Missouri course access and virtual school program: name,  
42 address, eligibility for free or reduced-price lunch,  
43 limited English proficiency status, special education needs,  
44 and the number of courses in which the student is enrolled.  
45 The Missouri course access and virtual school program shall  
46 promptly notify the resident district when a student  
47 discontinues enrollment. A "full-time equivalent student"  
48 is a student who [successfully has completed] is enrolled in  
49 the instructional equivalent of six credits per regular  
50 term. Each Missouri course access and virtual school  
51 program course shall count as one class and shall generate  
52 that portion of a full-time equivalent that a comparable  
53 course offered by the school district would generate.

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

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

71           (5) A full-time virtual school program serving full-  
72 time equivalent students shall be considered an attendance  
73 center in the host school district and shall participate in  
74 the statewide assessment system as defined in section  
75 160.518. The academic performance of students enrolled in a  
76 full-time virtual school program shall be assigned to the  
77 designated attendance center of the full-time virtual school  
78 program and shall be considered in like manner to other  
79 attendance centers. The academic performance of any student  
80 who disenrolls from a full-time virtual school program and  
81 enrolls in a public school or charter school shall not be  
82 used in determining the annual performance report score of  
83 the attendance center or school district in which the  
84 student enrolls for twelve months from the date of  
85 enrollment.

86           (6) For the purposes of this section, a public  
87 institution of higher education operating a full-time  
88 virtual school program shall be subject to all requirements  
89 applicable to a host school district with respect to its  
90 full-time equivalent students.

91           3. (1) A [school district or charter school shall  
92 allow any eligible] student who resides in [such district  
93 to] this state may enroll in Missouri course access and  
94 virtual school program courses of his or her choice as a  
95 part of the student's annual course load each school year  
96 [or a full-time virtual school option], with any costs  
97 associated with such course or courses to be paid by the  
98 school district or charter school if:

99           (a) The student is enrolled full-time in [and has  
100 attended, for at least one semester immediately prior to  
101 enrolling in the Missouri course access and virtual school  
102 program,] a public school, including any charter school[;  
103 except that, no student seeking to enroll in Missouri course

104 access and virtual school program courses under this  
105 subdivision shall be required to have attended a public  
106 school during the previous semester if the student has a  
107 documented medical or psychological diagnosis or condition  
108 that prevented the student from attending a school in the  
109 community during the previous semester]; and

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

115 (2) Each school district or charter school shall adopt  
116 a policy that delineates the process by which a student may  
117 enroll in courses provided by the Missouri course access and  
118 virtual school program that is substantially similar to the  
119 typical process by which a district student would enroll in  
120 courses offered by the school district and a charter school  
121 student would enroll in courses offered by the charter  
122 school. The policy may include consultation with the  
123 school's counselor and may include parental notification or  
124 authorization. [School counselors shall not be required to  
125 approve or disapprove a student's enrollment in the Missouri  
126 course access and virtual school program.] The policy shall  
127 ensure that available opportunities for in-person  
128 instruction are considered prior to moving a student to  
129 virtual courses. The policy shall allow for continuous  
130 enrollment throughout the school year. If the school  
131 district or charter school disapproves a student's request  
132 to enroll in a course or courses provided by the Missouri  
133 course access and virtual school program, [including full-  
134 time enrollment in courses provided by the Missouri course  
135 access and virtual school program,] the reason shall be  
136 provided in writing and it shall be for good cause. Good



137 cause justification to disapprove a student's request for  
138 enrollment in a course shall be a determination that doing  
139 so is not in the best educational interest of the student[.  
140 In cases of denial by the school district or charter school,  
141 local education agencies shall inform the student and the  
142 student's family of their right to appeal any enrollment  
143 denial in the Missouri course access and virtual school  
144 program to the local school district board or charter school  
145 governing body where the family shall be given an  
146 opportunity to present their reasons for their child or  
147 children to enroll in the Missouri course access and virtual  
148 school program in an official school board meeting. In  
149 addition, the school district or charter school  
150 administration shall provide its good cause justification  
151 for denial at a school board meeting or governing body  
152 meeting. Both the family and school administration shall  
153 also provide their reasons in writing to the members of the  
154 school board or governing body and the documents shall be  
155 entered into the official board minutes. The members of the  
156 board or governing body shall issue their decision in  
157 writing within thirty calendar days, and then an appeal may  
158 be made to the department of elementary and secondary  
159 education, which shall provide a final enrollment decision  
160 within seven calendar days], and shall be consistent with  
161 the determination that would be made for such course request  
162 under the process by which a district student would enroll  
163 in a similar course offered by the school district and a  
164 charter school student would enroll in a similar course  
165 offered by the charter school, except that the determination  
166 may consider the suitability of virtual courses for the  
167 student based on prior participation in virtual courses by  
168 the student. Appeals of any course denials under this  
169 subsection shall be considered under a policy that is

170 substantially similar to the typical process by which  
171 appeals would be considered for a student seeking to enroll  
172 in courses offered by the school district and a charter  
173 school student seeking to enroll in courses offered by the  
174 charter school.

175 (3) For students enrolled in any Missouri course  
176 access and virtual school program course in which costs  
177 associated with such course are to be paid by the school  
178 district or charter school as described under this  
179 subdivision [(1) of this subsection], the school district or  
180 charter school shall pay the content provider directly on a  
181 pro rata monthly basis based on a student's completion of  
182 assignments and assessments. If a student discontinues  
183 enrollment, the district or charter school may stop making  
184 monthly payments to the content provider. No school  
185 district or charter school shall pay, for any one course for  
186 a student, more than the market necessary costs but in no  
187 case shall pay more than fourteen percent of the state  
188 adequacy target, as defined under section 163.011, as  
189 calculated at the end of the most recent school year for any  
190 single, year-long course and no more than seven percent of  
191 the state adequacy target as described above for any single  
192 semester equivalent course. [Payment for a full-time  
193 virtual school student shall not exceed the state adequacy  
194 target, unless the student receives additional federal or  
195 state aid. Nothing in this subdivision shall prohibit a  
196 school district or charter school from negotiating lower  
197 costs directly with course or full-time virtual school  
198 providers, particularly in cases where several students  
199 enroll in a single course or full-time virtual school.]

200 (4) For students enrolling in a full-time virtual  
201 program, the department of elementary and secondary  
202 education shall adopt a policy that delineates the process

203 by which a student who lives in this state may enroll in a  
204 virtual program of their choice as provided in this  
205 subdivision. Each host school district operating a full-  
206 time virtual program under this section shall operate and  
207 implement the state enrollment policy, subject to the  
208 provisions of this subdivision. The policy shall:

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

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

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

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

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

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

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

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

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

260 **[(4)]** (5) In the case of a student who is a candidate  
261 for A+ tuition reimbursement and taking a virtual course  
262 under this section, the school shall attribute no less than  
263 ninety-five percent attendance to any such student who has  
264 completed such virtual course.

265 **[(5)]** (6) The Missouri course access and virtual  
266 school program shall ensure that individual learning plans  
267 designed by certified teachers and professional staff are

268 developed for all students enrolled in more than two full-  
269 time course access program courses or a full-time virtual  
270 school.

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

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

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

298 ~~[(8)]~~ (9) Pursuant to rules to be promulgated by the  
299 department of elementary and secondary education, when a  
300 student transfers into a school district or charter school,

301 credits previously gained through successful passage of  
302 approved courses under the Missouri course access and  
303 virtual school program shall be accepted by the school  
304 district or charter school.

305 [(9)] (10) Pursuant to rules to be promulgated by the  
306 department of elementary and secondary education, if a  
307 student transfers into a school district or charter school  
308 while enrolled in a Missouri course access and virtual  
309 school program course or full-time virtual school, the  
310 student shall continue to be enrolled in such course or  
311 school.

312 [(10)] (11) Nothing in this section shall prohibit  
313 home school students, private school students, or students  
314 wishing to take additional courses beyond their regular  
315 course load from enrolling in Missouri course access and  
316 virtual school program courses under an agreement that  
317 includes terms for paying tuition or course fees.

318 [(11)] (12) Nothing in this subsection shall require  
319 any school district, charter school, virtual program, or the  
320 state to provide computers, equipment, or internet access to  
321 any student unless required [by] under the education  
322 services plan created for an eligible student under  
323 subdivision (4) of this subsection or for an eligible  
324 student with a disability to comply with federal law. An  
325 education services plan may require an eligible student to  
326 have access to school facilities of the resident school  
327 district during regular school hours for participation and  
328 instructional activities of a virtual program under this  
329 section, and the education services plan shall provide for  
330 reimbursement of the resident school district for such  
331 access pursuant to rules adopted by the department under  
332 this section.

333            [(12)] (13) The authorization process shall provide  
334 for continuous monitoring of approved providers and  
335 courses. The department shall revoke or suspend or take  
336 other corrective action regarding the authorization of any  
337 course or provider no longer meeting the requirements of the  
338 program. Unless immediate action is necessary, prior to  
339 revocation or suspension, the department shall notify the  
340 provider and give the provider a reasonable time period to  
341 take corrective action to avoid revocation or suspension.  
342 The process shall provide for periodic renewal of  
343 authorization no less frequently than once every three years.

344            [(13)] (14) Courses approved as of August 28, 2018, by  
345 the department to participate in the Missouri virtual  
346 instruction program shall be automatically approved to  
347 participate in the Missouri course access and virtual school  
348 program, but shall be subject to periodic renewal.

349            [(14)] (15) Any online course or virtual program  
350 offered by a school district or charter school, including  
351 those offered prior to August 28, 2018, which meets the  
352 requirements of section 162.1250 shall be automatically  
353 approved to participate in the Missouri course access and  
354 virtual school program. Such course or program shall be  
355 subject to periodic renewal. A school district or charter  
356 school offering such a course or virtual school program  
357 shall be deemed an approved provider.

358            4. (1) As used in this subsection, the term  
359 "instructional activities" means classroom-based or  
360 nonclassroom-based activities that a student shall be  
361 expected to complete, participate in, or attend during any  
362 given school day, such as:

- 363            (a) Online logins to curricula or programs;  
364            (b) Offline activities;

365           (c) Completed assignments within a particular program,  
366 curriculum, or class;

367           (d) Testing;

368           (e) Face-to-face communications or meetings with  
369 school staff;

370           (f) Telephone or video conferences with school staff;

371           (g) School-sanctioned field trips; or

372           (h) Orientation.

373           (2) A full-time virtual school shall submit a  
374 notification to the parent or guardian of any student who is  
375 not consistently engaged in instructional activities.

376           (3) Each full-time virtual school shall develop,  
377 adopt, and post on the school's website a policy setting  
378 forth the consequences for a student who fails to complete  
379 the required instructional activities. Such policy shall  
380 state, at a minimum, that if a student fails to complete the  
381 instructional activities after receiving a notification  
382 under subdivision (2) of this subsection, and after  
383 reasonable intervention strategies have been implemented,  
384 that the student shall be subject to certain consequences  
385 which may include disenrollment from the school. Prior to  
386 any disenrollment, the parent or guardian shall have the  
387 opportunity to present any information that the parent deems  
388 relevant, and such information shall be considered prior to  
389 any final decision.

390           (4) If a full-time virtual school disenrolls a student  
391 under subdivision (3) of this subsection, the school shall  
392 immediately provide written notification to such student's  
393 school district of residence. The student's school district  
394 of residence shall then provide to the parents or guardian  
395 of the student a written list of available educational  
396 options and promptly enroll the student in the selected  
397 option. Any student disenrolled from a full-time virtual



398 school shall be prohibited from re-enrolling in the same  
399 virtual school for the remainder of the school year.

400 5. School districts or charter schools shall inform  
401 parents of their child's right to participate in the  
402 program. Availability of the program shall be made clear in  
403 the parent handbook, registration documents, and featured on  
404 the home page of the school district or charter school's  
405 website.

406 **[5.]** 6. The department shall:

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

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

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

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

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

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

428 **[6. If]** (5) Allow a course or full-time virtual  
429 school provider **[is]** denied authorization**[, the course**  
430 **provider may]** to reapply at any point in the future.

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

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

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

457           10. The department shall submit and publicly publish  
458 an annual report on the Missouri course access and virtual  
459 school program and the participation of entities to the  
460 governor, the chair and ranking member of the senate  
461 education committee, and the chair and ranking member of the  
462 house of representatives elementary and secondary education

463 committee. The report shall at a minimum include the  
464 following information:

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

468 (2) The number of authorized providers;

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

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

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

475 (6) Student outcome data, including completion rates,  
476 student learning gains, student performance on state or  
477 nationally accepted assessments, by subject and grade level  
478 per provider. This outcome data shall be published in a  
479 manner that protects student privacy;

480 (7) The costs per course;

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

484 11. (1) The department shall be responsible for  
485 creating the Missouri course access and virtual school  
486 program catalog providing a listing of all courses  
487 authorized and available to students in the state, detailed  
488 information, including costs per course, about the courses  
489 to inform student enrollment decisions, and the ability for  
490 students to submit their course enrollments.

491 (2) On or before January 1, 2023, the department shall  
492 publish on its website, and distribute to all school  
493 districts and charter schools in this state, a guidance  
494 document that details the options for virtual course access  
495 and full-time virtual course access for all students in the

496 state. The guidance document shall include a complete and  
497 readily understood description of the applicable enrollment  
498 processes including the opportunity for students to enroll  
499 and the roles and responsibilities of the student, parent,  
500 virtual provider, school district or districts, and charter  
501 schools, as appropriate. The guidance document shall be  
502 distributed in written and electronic form to all school  
503 districts, charter schools, and virtual providers. School  
504 districts and charter schools shall provide a copy of the  
505 guidance document to every pupil and parent or legal  
506 guardian of every pupil enrolled in the district or charter  
507 school at the beginning of each school year and upon  
508 enrollment for every pupil enrolling at a different time of  
509 the school year. School districts and charter schools shall  
510 provide a readily viewable link to the electronic version of  
511 the guidance document on the main page of the district's or  
512 charter school's website.

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

528           13. Any rule or portion of a rule, as that term is  
529 defined in section 536.010, that is created under the  
530 authority delegated in this section shall become effective  
531 only if it complies with and is subject to all of the  
532 provisions of chapter 536 and, if applicable, section  
533 536.028. This section and chapter 536 are nonseverable and  
534 if any of the powers vested with the general assembly  
535 pursuant to chapter 536 to review, to delay the effective  
536 date, or to disapprove and annul a rule are subsequently  
537 held unconstitutional, then the grant of rulemaking  
538 authority and any rule proposed or adopted after August 28,  
539 2006, shall be invalid and void.