

FIRST REGULAR SESSION

SENATE BILL NO. 545

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR ROWDEN.

2057S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 161.670, RSMo, and to enact in lieu thereof one new section relating to student enrollment in virtual school programs.

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

Section A. Section 161.670, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 161.670,
3 to read as follows:

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, 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 is enrolled under **the relevant provisions of**
18 subsection 3 of this section[; provided that any such

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

student attendance]. **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 average daily attendance of a full-time virtual student who is completing required instructional activities under subsection 4 of this section shall be calculated as if the pupil's attendance percentage equaled the host district's or charter school's prior year average attendance percentage, and the provisions of section 162.1250, shall not apply to such funding calculation. In the case of a host school district enrolling one or more full-time virtual school students, such enrolling district shall, as part of its monthly state allocation, 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,

51 address, eligibility for free or reduced-price lunch,
52 limited English proficiency status, special education needs,
53 and the number of courses in which the student is enrolled.
54 The Missouri course access and virtual school program shall
55 promptly notify the resident district when a student
56 discontinues enrollment. A "full-time equivalent student"
57 is a student who is enrolled in the instructional equivalent
58 of six credits per regular term. Each Missouri course
59 access and virtual school program course shall count as one
60 class and shall generate that portion of a full-time
61 equivalent that a comparable course offered by the school
62 district would generate.

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

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

80 (5) A full-time virtual school program serving full-
81 time equivalent students shall be considered an attendance
82 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.

(6) 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 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, 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 a public school, including any charter school; 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. 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, 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, 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

146 school student seeking to enroll in courses offered by the
147 charter school.

148 (3) For students enrolled in any Missouri course
149 access and virtual school program course in which costs
150 associated with such course are to be paid by the school
151 district or charter school as described under this
152 subdivision, the school district or charter school shall pay
153 the content provider directly on a pro rata monthly basis
154 based on a student's completion of assignments and
155 assessments. If a student discontinues enrollment, the
156 district or charter school may stop making monthly payments
157 to the content provider. No school district or charter
158 school shall pay, for any one course for a student, more
159 than the market necessary costs but in no case shall pay
160 more than fourteen percent of the state adequacy target, as
161 defined under section 163.011, as calculated at the end of
162 the most recent school year for any single, year-long course
163 and no more than seven percent of the state adequacy target
164 as described above for any single semester equivalent course.

165 (4) [For students enrolling in a full-time virtual
166 program, the department of elementary and secondary
167 education shall adopt a policy that delineates the process
168 by which] A student who lives in this state may enroll in a
169 virtual program of their choice as provided in this
170 subdivision, **and the provisions of subdivisions (1) to (3)**
171 **of this subsection shall not apply to such enrollment in a**
172 **full-time virtual program.** Each host school district
173 operating a full-time virtual program under this section
174 shall **adopt**, operate and implement [the state] **an** enrollment
175 policy[, subject to] **as specified by** the provisions of this
176 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[;] **shall collaborate in good faith to implement the enrollment policy regarding the student's enrollment, and the collaboration shall include consideration of whether the resident school district shall offer or continue to offer any services for the student under an education services plan that includes financial terms for reimbursement by the host school district for the necessary costs of the resident school district providing such services. An enrollment policy specified under this subsection shall:**

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

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

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

[(f)] (e) Ensure that, for any enrolling student[, an education services plan and collaborative agreement is] **with a covered disability, an individualized education program and a related services agreement, in cases where such**

209 **agreement is needed, are** created to provide all services
210 required to ensure a free and appropriate public education,
211 including financial terms for reimbursement by the host
212 district for the necessary costs of any virtual program,
213 school district, or public or private entity providing all
214 or a portion of such services;

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

222 [(h)] (g) Provide a process for reviewing appeals of
223 decisions made under this subdivision[; and

224 (i) Require].

225 The department [to] **shall** publish an annual report based on
226 the enrollments and enrollment surveys conducted under this
227 subdivision that provides data at the statewide and district
228 levels of sufficient detail to allow analysis of trends
229 regarding the reasons for participation in the virtual
230 program at the statewide and district levels; provided that
231 no such survey results will be published in a manner that
232 reveals individual student information. The department
233 shall also include, in the annual report, data at the
234 statewide and district levels of sufficient detail to allow
235 detection and analysis of the racial, ethnic, and socio-
236 economic balance of virtual program participation among
237 schools and districts at the statewide and district levels,
238 provided that no such survey results will be published in a
239 manner that reveals individual student information.

(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.

(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.

(7) Virtual school programs shall monitor individual student success and engagement of students enrolled in their program, **and, for students enrolled in virtual courses on a part-time basis, the virtual school program shall** provide regular student progress reports for each student at least four times per school year to the school district or charter school, 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.

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

(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

271 virtual school program shall be accepted by the school
272 district or charter school.

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

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

286 (12) Nothing in this subsection shall require any
287 school district, charter school, virtual program, or the
288 state to provide computers, equipment, or internet access to
289 any student unless required under the education services
290 plan created for an eligible student under subdivision (4)
291 of this subsection or for an eligible student with a
292 disability to comply with federal law. An education
293 services plan may require an eligible student to have access
294 to school facilities of the resident school district during
295 regular school hours for participation and instructional
296 activities of a virtual program under this section, and the
297 education services plan shall provide for reimbursement of
298 the resident school district for such access pursuant to
299 rules adopted by the department under this section.

300 (13) The authorization process shall provide for
301 continuous monitoring of approved providers and courses.
302 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.

(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.

(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 reenrolling in the same virtual school for the remainder of the school year.

367 (5) For purposes of subsection 2 of this section, the
368 average daily attendance of a full-time virtual student who
369 is completing required instructional activities under this
370 subsection shall be calculated as if the pupil's attendance
371 percentage equaled the host district's or charter school's
372 prior year average attendance percentage.

373 5. School districts or charter schools shall inform
374 parents of their child's right to participate in the
375 program. Availability of the program shall be made clear in
376 the parent handbook, registration documents, and featured on
377 the home page of the school district or charter school's
378 website.

379 6. The department shall:

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

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

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

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

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

398 (4) Within thirty days of any denial, provide a
399 written explanation to any course or full-time virtual
400 school providers that are denied authorization;

401 (5) Allow a course or full-time virtual school
402 provider denied authorization to reapply at any point in the
403 future.

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

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

417 9. Except as specified in this section and as may be
418 specified by rule of the state board of education, the
419 Missouri course access and virtual school program shall
420 comply with all state laws and regulations applicable to
421 school districts, including but not limited to the Missouri
422 school improvement program (MSIP), annual performance report
423 (APR), teacher certification, curriculum standards, audit
424 requirements under chapter 165, access to public records
425 under chapter 610, and school accountability report cards
426 under section 160.522. Teachers and administrators employed
427 by a virtual provider shall be considered to be employed in
428 a public school for all certification purposes under chapter
429 168.

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

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

441 (2) The number of authorized providers;

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

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

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

448 (6) Student outcome data, including completion rates,
449 student learning gains, student performance on state or
450 nationally accepted assessments, by subject and grade level
451 per provider. This outcome data shall be published in a
452 manner that protects student privacy;

453 (7) The costs per course;

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

457 11. (1) The department shall be responsible for
458 creating the Missouri course access and virtual school
459 program catalog providing a listing of all courses
460 authorized and available to students in the state, detailed
461 information, including costs per course, about the courses

462 to inform student enrollment decisions, and the ability for
463 students to submit their course enrollments.

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

486 12. The state board of education through the
487 rulemaking process and the department of elementary and
488 secondary education in its policies and procedures shall
489 ensure that multiple content providers and learning
490 management systems are allowed, ensure digital content
491 conforms to accessibility requirements, provide an easily
492 accessible link for providers to submit courses or full-time
493 virtual schools on the Missouri course access and virtual

494 school program website, and allow any person, organization,
495 or entity to submit courses or full-time virtual schools for
496 approval. No content provider shall be allowed that is
497 unwilling to accept payments in the amount and manner as
498 described under subdivision (3) of subsection 3 of this
499 section or does not meet performance or quality standards
500 adopted by the state board of education.

501 13. Any rule or portion of a rule, as that term is
502 defined in section 536.010, that is created under the
503 authority delegated in this section shall become effective
504 only if it complies with and is subject to all of the
505 provisions of chapter 536 and, if applicable, section
506 536.028. This section and chapter 536 are nonseverable and
507 if any of the powers vested with the general assembly
508 pursuant to chapter 536 to review, to delay the effective
509 date, or to disapprove and annul a rule are subsequently
510 held unconstitutional, then the grant of rulemaking
511 authority and any rule proposed or adopted after August 28,
512 2006, shall be invalid and void.

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