

SECOND REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 2287

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE CHRISTOFANELLI.

3622H.02P

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal section 161.670, RSMo, and to enact in lieu thereof one new section relating to the virtual school program.

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

Section A. Section 161.670, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 161.670, to read as follows:

161.670. 1. Notwithstanding any other law, prior to July 1, 2007, the state board of education shall establish the "Missouri Course Access and Virtual School Program" to serve school-age students residing in the state. The Missouri course access and virtual school program shall offer nonclassroom-based instruction in a virtual setting using technology, intranet, 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 is enrolled under **the relevant provisions of** subsection 3 of this section~~[- provided that any such]~~ **for such enrollment.** 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].~~ **For the purpose of calculating average daily attendance in full time virtual programs under this section, average daily**

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.

17 **attendance shall be defined as the quotient or the sum of the quotients obtained by**  
18 **dividing the total number of hours attended in a term by enrolled pupils between the**  
19 **ages of five and twenty-one by the actual number of hours that the program was in**  
20 **session in that term, and the provisions of section 162.1250 shall not apply to such**  
21 **funding calculation. Such calculation shall be generated by the virtual provider and**  
22 **provided to the host district for submission to the department of elementary and**  
23 **secondary education. Such students may complete their instructional activities, as**  
24 **defined in subsection 4 of this section, during any hour of the day and during any day of**  
25 **the week. The hours attended for each enrolled pupil shall be documented by the pupil's**  
26 **weekly progress in the educational program according to a process determined by the**  
27 **virtual program and published annually in the virtual program's enrollment handbook**  
28 **or policy. To the average daily attendance of the following school term shall be added**  
29 **the full-time equivalent average daily attendance of summer school students.** In the case  
30 of a host school district enrolling one or more full-time virtual school students, such enrolling  
31 district shall, **as part of its monthly state allocation**, receive no less under the state aid  
32 calculation for such students than an amount equal to the state adequacy target multiplied by  
33 the weighted average daily attendance of such full-time students. Students residing in  
34 Missouri and enrolled in a full-time virtual school program operated by a public institution of  
35 higher education in this state shall be counted for a state aid calculation by the department,  
36 and the department shall pay, from funds dedicated to state school aid payments made under  
37 section 163.031, to such institution an amount equal to the state adequacy target multiplied by  
38 the weighted average daily attendance of such full-time students.

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

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

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

60 (5) A full-time virtual school program serving full-time equivalent students shall be  
61 considered an attendance center in the host school district and shall participate in the  
62 statewide assessment system as defined in section 160.518. The academic performance of  
63 students enrolled in a full-time virtual school program shall be assigned to the designated  
64 attendance center of the full-time virtual school program and shall be considered in like  
65 manner to other attendance centers. The academic performance of any student who disenrolls  
66 from a full-time virtual school program and enrolls in a public school or charter school shall  
67 not be used in determining the annual performance report score of the attendance center or  
68 school district in which the student enrolls for twelve months from the date of enrollment.

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

72 3. (1) A student who resides in this state may enroll in Missouri course access and  
73 virtual school program courses of his or her choice as a part of the student's annual course  
74 load each school year, with any costs associated with such course or courses to be paid by the  
75 school district or charter school if:

76 (a) The student is enrolled full-time in a public school, including any charter school;  
77 and

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

81 (2) Each school district or charter school shall adopt a policy that delineates the  
82 process by which a student may enroll in courses provided by the Missouri course access and  
83 virtual school program that is substantially similar to the typical process by which a district  
84 student would enroll in courses offered by the school district and a charter school student  
85 would enroll in courses offered by the charter school. The policy may include consultation  
86 with the school's counselor and may include parental notification or authorization. The policy  
87 shall ensure that available opportunities for in-person instruction are considered prior to  
88 moving a student to virtual courses. The policy shall allow for continuous enrollment  
89 throughout the school year. If the school district or charter school disapproves a student's  
90 request to enroll in a course or courses provided by the Missouri course access and virtual

91 school program, the reason shall be provided in writing and it shall be for good cause. Good  
92 cause justification to disapprove a student's request for enrollment in a course shall be a  
93 determination that doing so is not in the best educational interest of the student, and shall be  
94 consistent with the determination that would be made for such course request under the  
95 process by which a district student would enroll in a similar course offered by the school  
96 district and a charter school student would enroll in a similar course offered by the charter  
97 school, except that the determination may consider the suitability of virtual courses for the  
98 student based on prior participation in virtual courses by the student. Appeals of any course  
99 denials under this subsection shall be considered under a policy that is substantially similar to  
100 the typical process by which appeals would be considered for a student seeking to enroll in  
101 courses offered by the school district and a charter school student seeking to enroll in courses  
102 offered by the charter school.

103 (3) For students enrolled in any Missouri course access and virtual school program  
104 course in which costs associated with such course are to be paid by the school district or  
105 charter school as described under this subdivision, the school district or charter school shall  
106 pay the content provider directly on a pro rata monthly basis based on a student's completion  
107 of assignments and assessments. If a student discontinues enrollment, the district or charter  
108 school may stop making monthly payments to the content provider. No school district or  
109 charter school shall pay, for any one course for a student, more than the market necessary  
110 costs but in no case shall pay more than fourteen percent of the state adequacy target, as  
111 defined under section 163.011, as calculated at the end of the most recent school year for any  
112 single, year-long course and no more than seven percent of the state adequacy target as  
113 described above for any single semester equivalent course.

114 (4) ~~[For students enrolling in a full-time virtual program, the department of~~  
115 ~~elementary and secondary education shall adopt a policy that delineates the process by which]~~

116 (a) A student who lives in this state may enroll in a virtual program of their choice as  
117 provided in this subdivision, **and the provisions of subdivisions 1 to 3 of this subsection**  
118 **shall not apply to such enrollment in a full-time virtual program.** Each host school  
119 district operating a full-time virtual program under this section shall **adopt**, operate and  
120 implement ~~[the state]~~ **an enrollment policy**~~[, subject to]~~ **as specified by** the provisions of this  
121 subdivision. ~~[The policy shall:~~

122 (a) ~~Require the good faith collaboration of]~~ The student, the student's parent or  
123 guardian if the student is not considered homeless, the virtual program, the host district, and  
124 the resident district~~;~~ **shall collaborate in good faith to implement the enrollment policy**  
125 **regarding the student's enrollment, and the resident school district and the host school**  
126 **district may mutually agree that the resident district shall offer or continue to offer**  
127 **services for the student under an agreement that includes financial terms for**

128 reimbursement by the host school district for the necessary costs of the resident school  
129 district providing such services. An enrollment policy specified under this subsection  
130 shall:

131 ~~[(b)]~~ a. Require a student's parent or guardian, if the student is not considered  
132 homeless, to apply for enrollment in a full-time virtual program directly with the virtual  
133 program;

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

138 ~~[(c)]~~ c. Include a survey of the reasons for the student's and parent's interests in  
139 participating in the virtual program;

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

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

144 ~~[(f)]~~ f. Ensure that, for any enrolling student with a covered disability, an  
145 individualized education ~~[services plan and collaborative agreement is]~~ program and a  
146 related services agreement, in cases where such agreement is needed, are created to  
147 provide all services required to ensure a free and appropriate public education, including  
148 financial terms for reimbursement by the host district for the necessary costs of any virtual  
149 program, school district, or public or private entity providing all or a portion of such services;

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

154 ~~[(h)]~~ h. Provide a process for reviewing appeals of decisions made under this  
155 subdivision~~[-and]~~.

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

164 statewide and district levels, provided that no such survey results will be published in a  
165 manner that reveals individual student information.

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

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

173 (7) Virtual school programs shall monitor individual student success and engagement  
174 of students enrolled in their program[;] **and, for students enrolled in virtual courses on a**  
175 **part-time basis, the virtual school program shall** provide regular student progress reports  
176 for each student at least four times per school year to the school district or charter school,  
177 provide the host school district and the resident school district ongoing access to academic  
178 and other relevant information on student success and engagement, and shall terminate or  
179 alter the course offering if it is found the course [~~or full-time virtual school~~] is not meeting the  
180 educational needs of the students enrolled in the course.

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

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

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

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

196 (12) Nothing in this subsection shall require any school district, charter school, virtual  
197 program, or the state to provide computers, equipment, or internet access to any student  
198 unless required under the education services plan created for an eligible student under  
199 subdivision (4) of this subsection or for an eligible student with a disability to comply with  
200 federal law. An education services plan may require an eligible student to have access to

201 school facilities of the resident school district during regular school hours for participation  
202 and instructional activities of a virtual program under this section, and the education services  
203 plan shall provide for reimbursement of the resident school district for such access pursuant to  
204 rules adopted by the department under this section.

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

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

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

221 **(16) A host district may contract with a provider to perform any required**  
222 **services involved with delivering a full-time virtual education.**

223 4. (1) As used in this subsection, the term "instructional activities" means classroom-  
224 based or nonclassroom-based activities that a student shall be expected to complete,  
225 participate in, or attend during any given school day, such as:

- 226 (a) Online logins to curricula or programs;
- 227 (b) Offline activities;
- 228 (c) Completed assignments within a particular program, curriculum, or class;
- 229 (d) Testing;
- 230 (e) Face-to-face communications or meetings with school staff;
- 231 (f) Telephone or video conferences with school staff;
- 232 (g) School-sanctioned field trips; or
- 233 (h) Orientation.

234 (2) A full-time virtual school shall submit a notification to the parent or guardian of  
235 any student who is not consistently engaged in instructional activities **and shall provide**  
236 **regular student progress reports for each student at least four times per school year.**

237 (3) Each full-time virtual school shall develop, adopt, and post on the school's website  
238 a policy setting forth the consequences for a student who fails to complete the required  
239 instructional activities. Such policy shall state, at a minimum, that if a student fails to  
240 complete the instructional activities after receiving a notification under subdivision (2) of this  
241 subsection, and after reasonable intervention strategies have been implemented, that the  
242 student shall be subject to certain consequences which may include disenrollment from the  
243 school. Prior to any disenrollment, the parent or guardian shall have the opportunity to  
244 present any information that the parent deems relevant, and such information shall be  
245 considered prior to any final decision.

246 (4) If a full-time virtual school disenrolls a student under subdivision (3) of this  
247 subsection, the school shall immediately provide written notification to such student's school  
248 district of residence. The student's school district of residence shall then provide to the  
249 parents or guardian of the student a written list of available educational options and promptly  
250 enroll the student in the selected option. Any student disenrolled from a full-time virtual  
251 school shall be prohibited from reenrolling in the same virtual school for the remainder of the  
252 school year.

253 5. School districts or charter schools shall inform parents of their child's right to  
254 participate in the program. Availability of the program shall be made clear in the parent  
255 handbook, registration documents, and featured on the home page of the school district or  
256 charter school's website.

257 6. The department shall:

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

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

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

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

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

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

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



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

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

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

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

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

297 (2) The number of authorized providers;

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

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

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

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

306 (7) The costs per course;

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

309 11. (1) The department shall be responsible for creating the Missouri course access  
310 and virtual school program catalog providing a listing of all courses authorized and available

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

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

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

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

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