

SECOND REGULAR SESSION

# HOUSE BILL NO. 1408

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SPENCER.

4329H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 161.670 and 167.121, RSMo, and to enact in lieu thereof three new sections relating to the Missouri course access program, with a delayed effective date.

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

Section A. Sections 161.670 and 167.121, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 161.668, 161.670, and 167.121, to read as follows:

**161.668. For purposes of this section and sections 161.670 and 167.121, the following terms mean:**

**(1) "Course provider", any person or entity authorized by the department to offer individual courses in person, online, or in any combination of online and in person contact. The term "course provider" includes, but is not limited to, online education providers, public or private elementary and secondary education institutions, education service agencies, private for-profit or nonprofit providers, postsecondary education institutions, and providers of vocational and technical courses;**

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

**(3) "Local educational agency", a public authority legally constituted by the state as an administrative agency to provide control and direction for K-12 public educational institutions, including any charter school that has declared itself as a local educational agency.**

161.670. 1. Notwithstanding any other law, prior to July 1, 2007, the state board of education shall establish ~~[a virtual public school]~~ **the "Missouri Course Access Program"** to serve school-age students residing in the state. The ~~[virtual public school]~~ **Missouri course**

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.

4 **access program** shall offer instruction in a virtual setting using technology, intranet, and/or  
5 internet methods of communication. Any student under the age of twenty-one in grades  
6 kindergarten through twelve who resides in this state shall be eligible to enroll in the ~~[virtual~~  
7 ~~public school]~~ **Missouri course access program** regardless of the student's physical location.  
8 **A student enrolled in the Missouri course access program who does not meet the**  
9 **requirements for costs to be paid by the district or charter school that is a local educational**  
10 **agency, as described in this section or any other section, shall pay the costs for any such**  
11 **course directly to the Missouri course access program. Such student's enrollment in the**  
12 **Missouri course access program shall not be counted in determining the average daily**  
13 **attendance, as defined under section 163.011, of any district or charter school.**

14 2. ~~[For purposes of calculation and distribution of state school aid, students enrolled in~~  
15 ~~a virtual public school shall be included, at the choice of the student's parent or guardian, in the~~  
16 ~~student enrollment of the school district in which the student physically resides. The virtual~~  
17 ~~public school shall report to the district of residence the following information about each~~  
18 ~~student served by the virtual public school: name, address, eligibility for free or reduced-price~~  
19 ~~lunch, limited English proficiency status, special education needs, and the number of courses in~~  
20 ~~which the student is enrolled. The virtual public school shall promptly notify the resident district~~  
21 ~~when a student discontinues enrollment.]~~ A "full-time equivalent student" is a student who  
22 successfully has completed the instructional equivalent of six credits per regular term. Each  
23 ~~[virtual]~~ **Missouri course access program** course shall count as one class and shall generate that  
24 portion of a full-time equivalent that a comparable course offered by the school district **or**  
25 **charter school** would generate. In no case shall more than the full-time equivalency of a regular  
26 term of attendance for a single student be used to claim state aid. ~~[Full-time equivalent student~~  
27 ~~credit completed shall be reported to the department of elementary and secondary education in~~  
28 ~~the manner prescribed by the department. Nothing in this section shall prohibit students from~~  
29 ~~enrolling in additional courses under a separate agreement that includes terms for paying tuition~~  
30 ~~or course fees.]~~

31 3. ~~[When a school district has one or more resident students enrolled in a virtual public~~  
32 ~~school program authorized by this section, whose parent or guardian has chosen to include such~~  
33 ~~student in the district's enrollment, the department of elementary and secondary education shall~~  
34 ~~disburse an amount corresponding to fifteen percent of the state aid under sections 163.031 and~~  
35 ~~163.043 attributable to such student to the resident district. Subject to an annual appropriation~~  
36 ~~by the general assembly, the department shall disburse an amount corresponding to eighty-five~~  
37 ~~percent of the state adequacy target attributable to such student to the virtual public school.]~~ (1)  
38 **A school district or charter school that is a local educational agency shall allow any K-12**  
39 **student who is enrolled in such district or charter school on a full-time basis to enroll in up**

40 to two Missouri course access program courses of his or her choice each school year, with  
41 any costs associated with such course or courses to be paid by the school district or charter  
42 school, if:

43 (a) The student has attended such district or charter school for at least one semester  
44 immediately prior to enrolling in the Missouri course access program; and

45 (b) The student has received approval from his or her school counselor or other  
46 designated person through the procedure described under subdivision (2) of this subsection  
47 before enrolling in any Missouri course access program course.

48 (2) The school counselor or a person designated by the district or charter school  
49 shall approve or deny a student's request to enroll in a Missouri course access program  
50 course based on the counselor's or designated person's assessment of whether participation  
51 in the program and enrollment in a particular course are in the student's best interest.  
52 Each district and each charter school shall develop a procedure under which a student may  
53 appeal the decision of a school counselor or other designated person made under the  
54 provisions of this subdivision.

55 (3) The school district or charter school that makes monthly payments as described  
56 under subdivision (4) of this subsection for a student enrolled in a Missouri course access  
57 program course shall include the student's enrollment in the Missouri course access  
58 program course in determining the district's or charter school's average daily attendance,  
59 as defined under section 163.011.

60 (4) For students enrolled in any Missouri course access program course in which  
61 costs associated with such course are to be paid by the school district or charter school as  
62 described under subdivision (1) of this subsection, the school district or charter school that  
63 is a local educational agency shall pay the course provider directly on a monthly basis. If  
64 a student discontinues enrollment, the district or charter school may stop making monthly  
65 payments to the course provider. No school district or charter school shall pay, for any one  
66 course for a student, more than fourteen percent of the state adequacy target, as defined  
67 under section 163.011.

68 (5) Each school district and each charter school that is a local educational agency  
69 shall monitor student progress and success and course quality and annually provide  
70 feedback to the joint committee on education regarding course quality.

71 (6) A school district or charter school that is a local educational agency shall accept  
72 courses taken through the Missouri course access program for credit.

73 (7) Nothing in this section shall prohibit home school or private school students  
74 from enrolling in Missouri course access program courses under an agreement that  
75 includes terms for paying tuition or course fees.

76           **(8) Nothing in this subsection shall require any school district, any charter school,**  
77 **or the state to provide computers, equipment, or internet access to any student.**

78           4. Except as specified in this section and as may be specified by rule of the state board  
79 of education, the ~~[virtual public school]~~ **Missouri course access program** shall comply with all  
80 state laws and regulations applicable to school districts, including but not limited to the Missouri  
81 school improvement program (MSIP), ~~[adequate yearly progress (AYP)]~~ annual performance  
82 report (APR), teacher certification, and curriculum standards.

83           5. The state board of education through the rulemaking process and the department of  
84 elementary and secondary education in its policies and procedures shall ensure that multiple  
85 ~~[content]~~ **course providers are allowed, provide an easily accessible link for course providers**  
86 **to submit courses on the Missouri course access program website, and allow any person,**  
87 **organization, or entity to submit courses for approval. No course provider shall be allowed**  
88 **that is unwilling to accept payments in the amount and manner as described under**  
89 **subdivision (4) of subsection 3 of this section.**

90           6. Each school district or charter school that is a local educational agency shall  
91 **notify students and parents or guardians of the availability of the Missouri course access**  
92 **program in class registration materials and in any handbook that the district or charter**  
93 **school distributes or makes available to students or parents.**

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

167.121. 1. If the residence of a pupil is so located that attendance in the district of  
2 residence constitutes an unusual or unreasonable transportation hardship because of natural  
3 barriers, travel time, or distance, the commissioner of education or his **or her** designee may  
4 assign the pupil to another district. Subject to the provisions of this section, all existing  
5 assignments shall be reviewed prior to July 1, 1984, and from time to time thereafter, and may  
6 be continued or rescinded. The board of education of the district in which the pupil lives shall  
7 pay the tuition of the pupil assigned. The tuition shall not exceed the pro rata cost of instruction.

8           2. (1) For the school year beginning July 1, 2008, and each succeeding school year, a  
9 parent or guardian residing in a lapsed public school district or a district that has scored either  
10 unaccredited or provisionally accredited, or a combination thereof, on two consecutive annual  
11 performance reports may enroll the parent's or guardian's child in the Missouri ~~[virtual school]~~

12 **course access program** created in section 161.670 provided the pupil first enrolls in the school  
13 district of residence. The school district of residence shall include the pupil's enrollment in the  
14 ~~[virtual school]~~ **Missouri course access program** created in section 161.670 in determining the  
15 district's average daily attendance. Full-time enrollment in the ~~[virtual school]~~ **Missouri course**  
16 **access program** shall constitute one average daily attendance equivalent in the school district  
17 of residence. Average daily attendance for part-time enrollment in the ~~[virtual school]~~ **Missouri**  
18 **course access program** shall be calculated as a percentage of the total number of ~~[virtual]~~  
19 **Missouri course access program** courses enrolled in divided by the number of courses required  
20 for full-time attendance in the school district of residence.

21 (2) A pupil's residence, for purposes of this section, means residency established under  
22 section 167.020. Except for students residing in a K-8 district attending high school in a district  
23 under section 167.131, the board of the home district shall pay ~~[to the virtual school the amount~~  
24 ~~required]~~ **the costs associated with Missouri course access program courses up to full-time**  
25 **equivalency for each student, as described** under section 161.670. **The board shall pay the**  
26 **course provider directly on a monthly basis. If a student discontinues enrollment, the**  
27 **district may stop making monthly payments to the course provider. No school district shall**  
28 **pay, for any one course for a student, more than fourteen percent of the state adequacy**  
29 **target, as defined under section 163.011. Students allowed to enroll in the Missouri course**  
30 **access program under this section shall not be subject to the limitations described under**  
31 **subdivision (1) of subsection 3 of section 161.670.**

32 (3) Nothing in this section shall require any school district or the state to provide  
33 computers, equipment, internet or other access, supplies, materials or funding, except as provided  
34 in this section, as may be deemed necessary for a pupil to participate in the ~~[virtual school]~~  
35 **Missouri course access program** created in section 161.670.

36 (4) Any rule or portion of a rule, as that term is defined in section 536.010, that is created  
37 under the authority delegated in this section shall become effective only if it complies with and  
38 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section  
39 and chapter 536 are nonseverable and if any of the powers vested with the general assembly  
40 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule  
41 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
42 proposed or adopted after August 28, 2007, shall be invalid and void.

Section B. The enactment of section 161.668 and the repeal and reenactment of sections  
2 161.670 and 167.121 of this act shall become effective July 1, 2019.

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