

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1552
101ST GENERAL ASSEMBLY

3565S.11T

2022

AN ACT

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

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

Section A. Sections 160.415, 160.425, and 161.670, RSMo, are repealed and three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

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

EXPLANATION — Matter enclosed in bold-faced brackets ~~[thus]~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 (1) A school district having one or more resident pupils attending a charter school
15 shall pay to the charter school an annual amount equal to the product of the charter school's
16 weighted average daily attendance and the state adequacy target, multiplied by the dollar
17 value modifier for the district, plus local tax revenues per weighted average daily attendance
18 from the incidental and teachers' funds in excess of the performance levy as defined in section
19 163.011 plus all other state aid attributable to such pupils.

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

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

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

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

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

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

46 5. If a school district fails to make timely payments of any amount for which it is the
47 disbursal agent, the state department of elementary and secondary education shall authorize
48 payment to the charter school of the amount due pursuant to subsection 2 of this section and
49 shall deduct the same amount from the next state school aid apportionment to the owing
50 school district. If a charter school is paid more or less than the amounts due pursuant to this

51 section, the amount of overpayment or underpayment shall be adjusted equally in the next
52 twelve payments by the school district or the department of elementary and secondary
53 education, as appropriate. Any dispute between the school district and a charter school as to
54 the amount owing to the charter school shall be resolved by the department of elementary and
55 secondary education, and the department's decision shall be the final administrative action for
56 the purposes of review pursuant to chapter 536. During the period of dispute, the department
57 of elementary and secondary education shall make every administrative and statutory effort to
58 allow the continued education of ~~[children]~~ **students** in their current ~~[public]~~ charter school
59 setting.

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

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

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

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

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

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

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

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

88 8. A charter school may enter into contracts with community partnerships and state
89 agencies acting in collaboration with such partnerships that provide services to [~~children~~]
90 **students** and their families linked to the school.

91 9. A charter school shall be eligible for transportation state aid pursuant to section
92 163.161 and shall be free to contract with the local district, or any other entity, for the
93 provision of transportation to the students of the charter school.

94 10. (1) The proportionate share of state and federal resources generated by students
95 with disabilities or staff serving them shall be paid in full to charter schools enrolling those
96 students by their school district where such enrollment is through a contract for services
97 described in this section. The proportionate share of money generated under other federal or
98 state categorical aid programs shall be directed to charter schools serving such students
99 eligible for that aid.

100 (2) A charter school shall provide the special services provided pursuant to section
101 162.705 and may provide the special services pursuant to a contract with a school district or
102 any provider of such services.

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

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

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

123 14. The governing [~~body~~] **board** of a charter school is authorized to accept grants,
124 gifts or donations of any kind and to expend or use such grants, gifts or donations. A grant,

125 gift or donation ~~may~~ shall not be accepted by the governing ~~body~~ board if it is subject to
126 any condition contrary to law applicable to the charter school or other public schools, or
127 contrary to the terms of the charter.

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

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

137 **(2) The amount of state aid and local aid per weighted average daily attendance**
138 **of the charter school received by the charter school.**

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

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

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

145 **(1) The definitions contained in section 163.011, shall apply;**

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

148 **(a) Property taxes and delinquent taxes;**

149 **(b) Merchants' and manufacturers' tax revenues;**

150 **(c) Financial institutions' tax revenues;**

151 **(d) City sales tax revenue, including city sales tax collected in any city not within**
152 **a county;**

153 **(e) Payments in lieu of taxes; and**

154 **(f) Revenues from state-assessed railroad and utilities tax;**

155 **(3) The term "local aid" shall not be construed to include:**

156 **(a) Charitable contributions, gifts, and grants made to school districts;**

157 **(b) Interest earnings of school districts and student fees paid to school districts;**

158 **(c) Debt service authorized by a public vote for the purpose of making payments**
159 **on a bond issuance of a school district;**

160 **(d) Proposition C revenues received for school purposes from the school district**
161 **trust fund under section 163.087; or**

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

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

166 19. Notwithstanding any other provision of law to the contrary, subsections 15 to
167 18 of this section shall be applicable to charter schools operated only:

168 (1) In a metropolitan school district;

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

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

173 (4) In a school district that has been classified as provisionally accredited by the
174 state board of education and has received scores on its annual performance report
175 consistent with a classification of provisionally accredited or unaccredited for three
176 consecutive school years beginning with the 2012-2013 accreditation year under the
177 conditions described in paragraphs (a) and (b) of subdivision (4) of subsection 2 of
178 section 160.400; or

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

182 20. (1) The members of the governing board of a charter school shall be
183 residents of the state of Missouri.

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

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

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

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

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

3 2. The commission shall consist of nine members appointed by the governor, by and
4 with the advice and consent of the senate. No more than five of the members shall be of the
5 same political party. No more than two members shall be from the same congressional

6 district. The term of office of each member shall be four years, except those of the members
7 first appointed, of which three shall be appointed for a term of one year, two for a term of two
8 years, two for a term of three years, and two for a term of four years. At the expiration of the
9 term of each member, the governor, by and with the advice and consent of the senate, shall
10 appoint a successor.

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

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

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

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

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

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

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

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

33 6. The commission may approve proposed charters for its sponsorship under sections
34 160.400 to 160.425 and shall:

35 (1) Comply with all of the requirements applicable to sponsors under sections
36 160.400 to 160.425;

37 (2) Exercise sponsorship over charters approved by the commission under sections
38 160.400 to 160.425, including receipt of sponsorship funding under subsection 11 of section
39 160.400. **Sponsorship funding due to the commission shall be deposited to the credit of
40 the charter public school commission revolving fund created pursuant to this section.**

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

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

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

47 10. The commission is authorized to receive and expend gifts, grants, and donations
48 of any kind from any public or private entity to carry out the purposes of sections 160.400 to
49 160.425, subject to the terms and conditions under which they are given, provided that all
50 such terms and conditions are permissible under law.

51 **11. There is hereby created in the state treasury the "Charter Public School**
52 **Commission Revolving Fund", which shall consist of moneys collected under this**
53 **section. The state treasurer shall be custodian of the fund. In accordance with sections**
54 **30.170 and 30.180, the state treasurer may approve disbursements. Notwithstanding the**
55 **provisions of section 33.080 to the contrary, any moneys remaining in the fund at the**
56 **end of the biennium shall not revert to the credit of the general revenue fund. The state**
57 **treasurer shall invest moneys in the fund in the same manner as other funds are**
58 **invested. Subject to appropriation, moneys in the fund shall be used solely for the**
59 **administration of this section.**

161.670. 1. Notwithstanding any other law, prior to July 1, 2007, the state board of
2 education shall establish the "Missouri Course Access and Virtual School Program" to serve
3 school-age students residing in the state. The Missouri course access and virtual school
4 program shall offer **nonclassroom-based** instruction in a virtual setting using technology,
5 intranet, [~~and/or~~] **or** internet methods of communication. Any student under the age of
6 twenty-one in grades kindergarten through twelve who resides in this state shall be eligible to
7 enroll in the Missouri course access and virtual school program pursuant to subsection 3 of
8 this section.

9 2. **(1)** For purposes of calculation and distribution of state school aid, students
10 enrolled in the Missouri course access and virtual school program shall be included in the
11 student enrollment of the school district in which the student [~~physically~~] is enrolled under
12 subsection 3 of this section; **provided that any such student attendance for full-time**
13 **virtual program students shall only be included in any district pupil attendance**
14 **calculation under chapter 163 and any charter school pupil attendance calculation**
15 **under section 160.415, using current year pupil attendance for such full-time virtual**
16 **program pupils; and further provided that in the case of a host school district enrolling**
17 **one or more full-time virtual school students, such enrolling district shall receive no less**
18 **under the state aid calculation for such students than an amount equal to the state**
19 **adequacy target multiplied by the weighted average daily attendance of such full-time**
20 **students. Students residing in Missouri and enrolled in a full-time virtual school**

21 **program operated by a public institution of higher education in this state shall be**
22 **counted for a state aid calculation by the department, and the department shall pay,**
23 **from funds dedicated to state school aid payments made under section 163.031, to such**
24 **institution an amount equal to the state adequacy target multiplied by the weighted**
25 **average daily attendance of such full-time students.**

26 (2) The Missouri course access and virtual school program shall report to the district
27 of residence the following information about each student served by the Missouri course
28 access and virtual school program: name, address, eligibility for free or reduced-price lunch,
29 limited English proficiency status, special education needs, and the number of courses in
30 which the student is enrolled. The Missouri course access and virtual school program shall
31 promptly notify the resident district when a student discontinues enrollment. A "full-time
32 equivalent student" is a student who [~~successfully has completed~~] **is enrolled in** the
33 instructional equivalent of six credits per regular term. Each Missouri course access and
34 virtual school program course shall count as one class and shall generate that portion of a full-
35 time equivalent that a comparable course offered by the school district would generate.

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

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

48 (5) **A full-time virtual school program serving full-time equivalent students shall**
49 **be considered an attendance center in the host school district and shall participate in the**
50 **statewide assessment system as defined in section 160.518. The academic performance**
51 **of students enrolled in a full-time virtual school program shall be assigned to the**
52 **designated attendance center of the full-time virtual school program and shall be**
53 **considered in like manner to other attendance centers. The academic performance of**
54 **any student who disenrolls from a full-time virtual school program and enrolls in a**
55 **public school or charter school shall not be used in determining the annual performance**
56 **report score of the attendance center or school district in which the student enrolls for**
57 **twelve months from the date of enrollment.**

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

61 3. (1) A ~~[school district or charter school shall allow any eligible]~~ student who
62 resides in ~~[such district to]~~ **this state may** enroll in Missouri course access and virtual school
63 program courses of his or her choice as a part of the student's annual course load each school
64 year ~~[or a full-time virtual school option]~~, with any costs associated with such course or
65 courses to be paid by the school district or charter school if:

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

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

76 (2) Each school district or charter school shall adopt a policy that delineates the
77 process by which a student may enroll in courses provided by the Missouri course access and
78 virtual school program that is substantially similar to the typical process by which a district
79 student would enroll in courses offered by the school district and a charter school student
80 would enroll in courses offered by the charter school. The policy may include consultation
81 with the school's counselor and may include parental notification or authorization. ~~[School~~
82 ~~counselors shall not be required to approve or disapprove a student's enrollment in the~~
83 ~~Missouri course access and virtual school program.]~~ **The policy shall ensure that available**
84 **opportunities for in-person instruction are considered prior to moving a student to**
85 **virtual courses. The policy shall allow for continuous enrollment throughout the school**
86 **year.** If the school district or charter school disapproves a student's request to enroll in a
87 course or courses provided by the Missouri course access and virtual school program,
88 ~~[including full-time enrollment in courses provided by the Missouri course access and virtual~~
89 ~~school program,]~~ the reason shall be provided in writing and it shall be for good cause. Good
90 cause justification to disapprove a student's request for enrollment in a course shall be a
91 determination that doing so is not in the best educational interest of the student~~].—In cases of~~
92 ~~denial by the school district or charter school, local education agencies shall inform the~~
93 ~~student and the student's family of their right to appeal any enrollment denial in the Missouri~~
94 ~~course access and virtual school program to the local school district board or charter school~~

95 ~~governing body where the family shall be given an opportunity to present their reasons for~~
96 ~~their child or children to enroll in the Missouri course access and virtual school program in an~~
97 ~~official school board meeting. In addition, the school district or charter school administration~~
98 ~~shall provide its good cause justification for denial at a school board meeting or governing~~
99 ~~body meeting. Both the family and school administration shall also provide their reasons in~~
100 ~~writing to the members of the school board or governing body and the documents shall be~~
101 ~~entered into the official board minutes. The members of the board or governing body shall~~
102 ~~issue their decision in writing within thirty calendar days, and then an appeal may be made to~~
103 ~~the department of elementary and secondary education, which shall provide a final enrollment~~
104 ~~decision within seven calendar days], and shall be consistent with the determination that~~
105 **would be made for such course request under the process by which a district student**
106 **would enroll in a similar course offered by the school district and a charter school**
107 **student would enroll in a similar course offered by the charter school, except that the**
108 **determination may consider the suitability of virtual courses for the student based on**
109 **prior participation in virtual courses by the student. Appeals of any course denials**
110 **under this subsection shall be considered under a policy that is substantially similar to**
111 **the typical process by which appeals would be considered for a student seeking to enroll**
112 **in courses offered by the school district and a charter school student seeking to enroll in**
113 **courses offered by the charter school.**

114 (3) For students enrolled in any Missouri course access and virtual school program
115 course in which costs associated with such course are to be paid by the school district or
116 charter school as described under **this** subdivision [~~(1) of this subsection~~], the school district
117 or charter school shall pay the content provider directly on a pro rata monthly basis based on a
118 student's completion of assignments and assessments. If a student discontinues enrollment,
119 the district or charter school may stop making monthly payments to the content provider. No
120 school district or charter school shall pay, for any one course for a student, more than the
121 market necessary costs but in no case shall pay more than fourteen percent of the state
122 adequacy target, as defined under section 163.011, as calculated at the end of the most recent
123 school year for any single, year-long course and no more than seven percent of the state
124 adequacy target as described above for any single semester equivalent course. [~~Payment for a~~
125 ~~full-time virtual school student shall not exceed the state adequacy target, unless the student~~
126 ~~receives additional federal or state aid. Nothing in this subdivision shall prohibit a school~~
127 ~~district or charter school from negotiating lower costs directly with course or full-time virtual~~
128 ~~school providers, particularly in cases where several students enroll in a single course or full-~~
129 ~~time virtual school.]~~

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

132 which a student who lives in this state may enroll in a virtual program of their choice as
133 provided in this subdivision. Each host school district operating a full-time virtual
134 program under this section shall operate and implement the state enrollment policy,
135 subject to the provisions of this subdivision. The policy shall:

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

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

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

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

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

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

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

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

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

169 **among schools and districts at the statewide and district levels, provided that no such**
170 **survey results will be published in a manner that reveals individual student information.**

171 ~~[(4)]~~ (5) In the case of a student who is a candidate for A+ tuition reimbursement and
172 taking a virtual course under this section, the school shall attribute no less than ninety-five
173 percent attendance to any such student who has completed such virtual course.

174 ~~[(5)]~~ (6) The Missouri course access and virtual school program shall ensure that
175 individual learning plans designed by certified teachers and professional staff are developed
176 for all students enrolled in more than two full-time course access program courses or a full-
177 time virtual school.

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

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

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

195 ~~[(8)]~~ (9) Pursuant to rules to be promulgated by the department of elementary and
196 secondary education, when a student transfers into a school district or charter school, credits
197 previously gained through successful passage of approved courses under the Missouri course
198 access and virtual school program shall be accepted by the school district or charter school.

199 ~~[(9)]~~ (10) Pursuant to rules to be promulgated by the department of elementary and
200 secondary education, if a student transfers into a school district or charter school while
201 enrolled in a Missouri course access and virtual school program course or full-time virtual
202 school, the student shall continue to be enrolled in such course or school.

203 ~~[(10)]~~ (11) Nothing in this section shall prohibit home school students, private school
204 students, or students wishing to take additional courses beyond their regular course load from

205 enrolling in Missouri course access and virtual school program courses under an agreement
206 that includes terms for paying tuition or course fees.

207 ~~[(11)]~~ **(12)** Nothing in this subsection shall require any school district, charter school,
208 **virtual program**, or the state to provide computers, equipment, or internet access to any
209 student unless required ~~[by]~~ **under the education services plan created for** an eligible
210 student **under subdivision (4) of this subsection or for an eligible student** with a disability
211 to comply with federal law. **An education services plan may require an eligible student to**
212 **have access to school facilities of the resident school district during regular school hours**
213 **for participation and instructional activities of a virtual program under this section, and**
214 **the education services plan shall provide for reimbursement of the resident school**
215 **district for such access pursuant to rules adopted by the department under this section.**

216 ~~[(12)]~~ **(13)** The authorization process shall provide for continuous monitoring of
217 approved providers and courses. The department shall revoke or suspend or take other
218 corrective action regarding the authorization of any course or provider no longer meeting the
219 requirements of the program. Unless immediate action is necessary, prior to revocation or
220 suspension, the department shall notify the provider and give the provider a reasonable time
221 period to take corrective action to avoid revocation or suspension. The process shall provide
222 for periodic renewal of authorization no less frequently than once every three years.

223 ~~[(13)]~~ **(14)** Courses approved as of August 28, 2018, by the department to participate
224 in the Missouri virtual instruction program shall be automatically approved to participate in
225 the Missouri course access and virtual school program, but shall be subject to periodic
226 renewal.

227 ~~[(14)]~~ **(15)** Any online course or virtual program offered by a school district or charter
228 school, including those offered prior to August 28, 2018, which meets the requirements of
229 section 162.1250 shall be automatically approved to participate in the Missouri course access
230 and virtual school program. Such course or program shall be subject to periodic renewal. A
231 school district or charter school offering such a course or virtual school program shall be
232 deemed an approved provider.

233 4. **(1)** As used in this subsection, the term "instructional activities" means
234 **classroom-based or nonclassroom-based activities that a student shall be expected to**
235 **complete, participate in, or attend during any given school day, such as:**

- 236 **(a) Online logins to curricula or programs;**
237 **(b) Offline activities;**
238 **(c) Completed assignments within a particular program, curriculum, or class;**
239 **(d) Testing;**
240 **(e) Face-to-face communications or meetings with school staff;**
241 **(f) Telephone or video conferences with school staff;**

242 (g) School-sanctioned field trips; or

243 (h) Orientation.

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

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

255 (4) If a full-time virtual school disenrolls a student under subdivision (3) of this
256 subsection, the school shall immediately provide written notification to such student's
257 school district of residence. The student's school district of residence shall then provide
258 to the parents or guardian of the student a written list of available educational options
259 and promptly enroll the student in the selected option. Any student disenrolled from a
260 full-time virtual school shall be prohibited from re-enrolling in the same virtual school
261 for the remainder of the school year.

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

266 [5-] 6. The department shall:

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

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

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

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

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

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

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

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

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

291 9. Except as specified in this section and as may be specified by rule of the state board
292 of education, the Missouri course access and virtual school program shall comply with all
293 state laws and regulations applicable to school districts, including but not limited to the
294 Missouri school improvement program (MSIP), annual performance report (APR), teacher
295 certification, ~~and~~ curriculum standards, **audit requirements under chapter 165, access to**
296 **public records under chapter 610, and school accountability report cards under section**
297 **160.522. Teachers and administrators employed by a virtual provider shall be**
298 **considered to be employed in a public school for all certification purposes under chapter**
299 **168.**

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

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

307 (2) The number of authorized providers;

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

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

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

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

316 (7) The costs per course;

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

319 11. **(1)** The department shall be responsible for creating the Missouri course access
320 and virtual school program catalog providing a listing of all courses authorized and available
321 to students in the state, detailed information, including costs per course, about the courses to
322 inform student enrollment decisions, and the ability for students to submit their course
323 enrollments.

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

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

349 13. Any rule or portion of a rule, as that term is defined in section 536.010, that is
350 created under the authority delegated in this section shall become effective only if it complies
351 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
352 This section and chapter 536 are nonseverable and if any of the powers vested with the

353 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
354 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
355 rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid
356 and void.

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