**Missouri Course Access and Virtual School Program Statues**

**161.670. Course access and virtual school program established, eligibility for enrollment — state aid calculation — enrollment process, payment by district — department duties, annual report — rulemaking authority. —** 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 instruction in a virtual setting using technology, intranet, and/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. 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 physically is enrolled under subsection 3 of this section. The Missouri course access and virtual school program shall report to the district of residence the following information about each student served by the Missouri course access and virtual school program: name, address, eligibility for free or reduced-price lunch, limited English proficiency status, special education needs, and the number of courses in which the student is enrolled. The Missouri course access and virtual school program shall promptly notify the resident district when a student discontinues enrollment. A **“full-time equivalent student”** is a student who successfully has completed the instructional equivalent of six credits per regular term. Each Missouri course access and virtual school program course shall count as one class and shall generate that portion of a full-time equivalent that a comparable course offered by the school district would generate. In no case shall more than the full-time equivalency of a regular term of attendance for a single student be used to claim state aid. Full-time equivalent student credit completed shall be reported to the department of elementary and secondary education in the manner prescribed by the department. Nothing in this section shall prohibit students from enrolling in additional courses under a separate agreement that includes terms for paying tuition or course fees.

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

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

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

 (2) Each school district or charter school shall adopt a policy that delineates the process by which a student may enroll in courses provided by the Missouri course access and virtual school program that is substantially similar to the typical process by which a district student would enroll in courses offered by the school district and a charter school student would enroll in courses offered by the charter school. The policy may include consultation with the school's counselor and may include parental notification or authorization. School counselors shall not be required to approve or disapprove a student's enrollment in the Missouri course access and virtual school program. If the school district or charter school disapproves a student's request to enroll in a course or courses provided by the Missouri course access and virtual school program, including full-time enrollment in courses provided by the Missouri course access and virtual school program, the reason shall be provided in writing and it shall be for good cause. Good cause justification to disapprove a student's request for enrollment in a course shall be a determination that doing so is not in the best educational interest of the student. In cases of denial by the school district or charter school, local education agencies shall inform the student and the student's family of their right to appeal any enrollment denial in the Missouri course access and virtual school program to the local school district board or charter school governing body where the family shall be given an opportunity to present their reasons for their child or children to enroll in the Missouri course access and virtual school program in an official school board meeting. In addition, the school district or charter school administration shall provide its good cause justification for denial at a school board meeting or governing body meeting. Both the family and school administration shall also provide their reasons in writing to the members of the school board or governing body and the documents shall be entered into the official board minutes. The members of the board or governing body shall issue their decision in writing within thirty calendar days, and then an appeal may be made to the department of elementary and secondary education, which shall provide a final enrollment decision within seven calendar days.

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

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

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

 (6) The department shall monitor student success and engagement of students enrolled in their program and report the information to the school district or charter school. Providers and the department may make recommendations to the school district or charter school regarding the student's continued enrollment in the program. The school district or charter school shall consider the recommendations and evaluate the progress and success of enrolled students that are enrolled in any course or full-time virtual school offered under this section and may terminate or alter the course offering if it is found the course or full-time virtual school is not meeting the educational needs of the students enrolled in the course.

 (7) School districts and charter schools shall monitor student progress and success, and course or full-time virtual school quality, and annually provide feedback to the department of elementary and secondary education regarding course quality.

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

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

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

 (11) Nothing in this subsection shall require any school district, charter school, or the state to provide computers, equipment, or internet access to any student unless required by an eligible student with a disability to comply with federal law.

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

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

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

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

 5. The department shall:

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

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

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

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

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

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

 6. If a course or full-time virtual school provider is denied authorization, the course provider may reapply at any point in the future.

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

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

 9. Except as specified in this section and as may be specified by rule of the state board of education, the Missouri course access and virtual school program shall comply with all state laws and regulations applicable to school districts, including but not limited to the Missouri school improvement program (MSIP), annual performance report (APR), teacher certification, and curriculum standards.

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

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

 (2) The number of authorized providers;

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

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

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

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

 (7) The costs per course;

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

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

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

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

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(L. 2006 S.B. 912, A.L. 2018 H.B. 1606 merged with S.B. 603, et al.)

\*Word “representative” appears in original rolls of H.B. 1606, 2018.

 **162.1250. State funding for resident students enrolled in virtual program — calculation of funding — standards for virtual courses. —** 1. School districts shall receive state school funding under sections [163.031](http://revisor.mo.gov/main/OneSection.aspx?section=163.031), [163.043](http://revisor.mo.gov/main/OneSection.aspx?section=163.043), and [163.087](http://revisor.mo.gov/main/OneSection.aspx?section=163.087) for resident students who are enrolled in the school district and who are taking a virtual course or full-time virtual program offered by the school district. The school district may offer instruction in a virtual setting using technology, intranet, and internet methods of communications that could take place outside of the regular school district facility. The school district may develop a virtual program for any grade level, kindergarten through twelfth grade, with the courses available in accordance with district policy to any resident student of the district who is enrolled in the school district. Nothing in this section shall preclude a private, parochial, or home school student residing within a school district offering virtual courses or virtual programs from enrolling in the school district in accordance with the combined enrollment provisions of section [167.031](http://revisor.mo.gov/main/OneSection.aspx?section=167.031)for the purposes of participating in the virtual courses or virtual programs.

 2. Charter schools shall receive state school funding under section [160.415](http://revisor.mo.gov/main/OneSection.aspx?section=160.415) for students enrolled in the charter school who are completing a virtual course or full-time virtual program offered by the charter school. Charter schools may offer instruction in a virtual setting using technology, intranet, and internet methods of communications. The charter school may develop a virtual program for any grade level, kindergarten through twelfth grade, with the courses available in accordance with school policy and the charter school's charter to any student enrolled in the charter school.

 3. For purposes of calculation and distribution of state school funding, attendance of a student enrolled in a district or charter school virtual class shall equal, upon course completion, ninety-four percent of the hours of attendance possible for such class delivered in the nonvirtual program in the student's resident district or charter school. Course completion shall be calculated in two increments, fifty percent completion and one hundred percent completion, based on the student's completion of defined assignments and assessments, with distribution of state funding to a school district or charter school at each increment equal to forty-seven percent of hours of attendance possible for such course delivered in the nonvirtual program in a student's school district of residence or charter school.

 4. When courses are purchased from an outside vendor, the district or charter school shall ensure that they are aligned with the show-me curriculum standards and comply with state requirements for teacher certification. The state board of education reserves the right to request information and materials sufficient to evaluate the online course. Online classes should be considered like any other class offered by the school district or charter school.

 5. Any school district or charter school that offers instruction in a virtual setting, develops a virtual course or courses, or develops a virtual program of instruction shall ensure that the following standards are satisfied:

 (1) The virtual course or virtual program utilizes appropriate content-specific tools and software;

 (2) Orientation training is available for teachers, instructors, and students as needed;

 (3) Privacy policies are stated and made available to teachers, instructors, and students;

 (4) Academic integrity and internet etiquette expectations regarding lesson activities, discussions, electronic communications, and plagiarism are stated to teachers, instructors, and students prior to the beginning of the virtual course or virtual program;

 (5) Computer system requirements, including hardware, web browser, and software, are specified to participants;

 (6) The virtual course or virtual program architecture, software, and hardware permit the online teacher or instructor to add content, activities, and assessments to extend learning opportunities;

 (7) The virtual course or virtual program makes resources available by alternative means, including but not limited to, video and podcasts;

 (8) Resources and notes are available for teachers and instructors in addition to assessment and assignment answers and explanations;

 (9) Technical support and course management are available to the virtual course or virtual program teacher and school coordinator;

 (10) The virtual course or virtual program includes assignments, projects, and assessments that are aligned with students' different visual, auditory, and hands-on learning styles;

 (11) The virtual course or virtual program demonstrates the ability to effectively use and incorporate subject-specific and developmentally appropriate software in an online learning module; and

 (12) The virtual course or virtual program arranges media and content to help transfer knowledge most effectively in the online environment.

 6. Any special school district shall count any student's completion of a virtual course or program in the same manner as the district counts completion of any other course or program for credit.

 7. A school district or charter school may contract with multiple providers of virtual courses or virtual programs, provided they meet the criteria for virtual courses or virtual programs under this section.

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(L. 2009 S.B. 291)

**5 CSR 20-100.230 Virtual Instruction Program- EFFECTIVE August 30, 2019**

*PURPOSE: This rule establishes policies and procedures for the Missouri Department of Elementary and Secondary Education to implement a public virtual school program to serve school-age students residing in the state, as authorized by section 161.670, RSMo.*

(1) General information. Missouri Course Access and Virtual School Program (MOCAP) publishes a course catalog of MOCAP approved courses on its website for any kindergarten through grade twelve (K-12) students residing in Missouri. All MOCAP teachers are Missouri appropriately certified. All courses offered through MOCAP are aligned with Missouri Learning Standards.

(2) Access. School officials will advise students who are considering MOCAP courses about whether those courses are in the best educational interest of that child.

(3) Credit. Course credit earned through MOCAP shall be recognized by all local education agencies in Missouri.

(A) Courseware providers will notify local education agencies of the percentage complete and the grade percentage earned in each course.

(B) Local Education Agencies will accept all transfer credit earned from any MOCAP course.

(C) Local Education Agencies will ensure transcripts specify which credits were earned through MOCAP courses.

(4) General Requirements. If more than one (1) vendor is determined to be in compliance with the provisions of section 161.670, RSMo, the requirements of this rule, to meet qualifications of the MOCAP Qualified Vendor List, to be responsive to the request for proposal issued by the Department of Elementary and Secondary Education (department) by meeting the minimum standards for course alignment of Missouri State Learning Standards, web accessibility for students with disabilities, agreeing to all mandatory contractual terms specified within the request for proposal, agreeing to acceptable contractual terms for all negotiable contractual items within the request for proposal, and 162.1250, RSMo, the department shall ensure that multiple content providers are allowed.

(5) Accessibility. All virtual courses must meet the standards of 161.935, RSMo to assure compliance with federal accessibility laws.

(6) Transfer. When a student transfers to another local education agency, the MOCAP credit and enrollment(s) will also be transferred to the new local education agency without interruption. This transfer provision applies equally to any transfer, including those associated with treatment facilities.

(7) Reporting. The following are requirements for reporting MOCAP coursework.

(A) Local Education Agencies will report MOCAP courses using the appropriate delivery system codes specified by the department.

(B) Courseware providers will transmit reports to the department in a manner and format and on a timeline specified by the department.

(C) All courses offered by MOCAP must use course numbers established by the department.

*AUTHORITY: section 161.092, RSMo 2016, and section 161.670, RSMo Supp. 2018.\**

**5 CSR 20-100.230 Virtual Instruction Program- old rule**

*PURPOSE: This rule establishes policies and procedures for the Missouri Department of Elementary and Secondary Education to implement a public virtual school program to serve school-age students residing in the state, as authorized by section 161.670, RSMo.*

(1) General information. Missouri’s Virtual Instruction Program (MoVIP) offers online courses to any kindergarten through grade twelve (K-12) students residing in Missouri, subject to appropriations. All MoVIP teachers are Missouri certified in the subjects they teach. All courses offered through MoVIP are aligned with Missouri Show-Me Standards.

(2) Access. A school district shall not limit a student’s access to MoVIP state-funded courses, even if the district offers the same course titles. School officials are encouraged to advise students who are considering MoVIP courses about whether those courses are appropriate, based on academic prerequisites and each student’s age and academic readiness.

(A) State appropriations will pay for no more than six (6) virtual credits per school year for any one (1) student. A credit consists of two (2) semesters of work for a school year.

(B) A school district cannot limit the number of credits a student may earn through MoVIP during a single or multiple school years.

(C) Students may be allowed to take MoVIP courses during the regular school day as allowed by local district policies.

(3) Selection.In any fiscal year, the number of students seeking to enroll in courses through MoVIP may exceed the level of state funding appropriated to support the program. The Department of Elementary and Secondary Education (DESE) will use a selection process to assure that students in all parts of the state have an equal opportunity to participate in the MoVIP program.

(4) Credit. Course credit issued through the MoVIP program shall be recognized by all public school districts in Missouri, regardless of who paid for the MoVIP course (state reimbursement or private tuition).

(A) All courses offered by MoVIP must use course numbers established by DESE.

(B) MoVIP will officially notify school districts and parents about the completion of each course and about any change in a student’s status (moving, dropping a course, etc.). When a course is completed, the notification will be in the form of a percentage of work satisfactorily completed, as opposed to a letter grade.

(C) School district policies governing how grades and credits are awarded must be applied to MoVIP courses and credits the same way they are applied to courses offered by the school district. Once a grade has been assigned for a course credit that was taken through the MoVIP program that credit shall be treated the same as any other course offered by the district.

(5) Special Education. MoVIP shall provide the services/accommodations set forth in a student’s Individual Education Program (IEP) to enable a student to take the online courses offered by MoVIP. Provisions in the IEP for related services shall be the responsibility of the local school district where the student is enrolled, unless the student is a private school student accessing MoVIP. No IEP is needed for students not enrolled in a public school district. For those students, related services shall be provided by the local district to the extent required by their proportionate share requirement under state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA). Districts must provide MoVIP with a copy of the current IEP for students enrolled in the public school district and participates in MoVIP.

(6) Multiple Providers. DESE shall ensure that multiple content providers are allowed in the event that more than one (1) vendor is determined to be in compliance with the provisions of section 161.670, RSMo, the requirements of this rule, and are determined to be responsive to the request for proposal issued by DESE.

(7) Funding. Districts that have resident students enrolled in MoVIP classes will receive a disbursement corresponding to fifteen percent (15%) of the total state aid attributable to such students under sections 163.031 and 163.043, RSMo.

*AUTHORITY: sections 161.092, 161.670, 163.031 and 163.043, RSMo Supp. 2007.\* This rule previously filed as 5 CSR 50-500.010. Original rule filed Sept. 12, 2007, effective March 30, 2008. Moved to 5 CSR 20-100.230, effective Aug. 16, 2011.*

\*Original authority: 161.092, RSMo 1963, amended 1973, 2002, 2003; 161.670, RSMo 2006; 163.031, RSMo 1963, amended 1965, 1965, 1967, 1967, 1969, 1975, 1976, 1977, 1982, 1984, 1985, 1986, 1993, 1996, 1997, 1998, 2000, 2004, 2005, 2006; and 163.043, RSMo 2005.