

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 100—Office of Quality Schools

PROPOSED AMENDMENT

5 CSR 20-100.230 Virtual Instruction Program. The State Board of Education is proposing to amend sections (1)-(7) and adding section (8).

PURPOSE: This amendment is necessary to align the virtual instruction rule to recently passed legislation.

- (1) General information. Missouri[’s] **Course Access and Virtual [Instruction] School Program [(MoVIP)] (MOCAP) publishes a course catalog of MOCAP approved courses on its website [offers online courses to] for** any kindergarten through grade twelve (K-12) students residing in Missouri[,subject to appropriations]. All [MoVIP] **MOCAP** teachers are Missouri **appropriately** certified [in the subjects they teach]. All courses offered through [MoVIP] **MOCAP** are aligned with Missouri [Show-Me] **Learning 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] **will** advise students who are considering [MoVIP] **MOCAP** 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] **earned** through [the MoVIP program] **MOCAP** shall be recognized by all [public school districts] **local education agencies** 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.] **Courseware providers will notify local education agencies of the percentage complete and the grade percentage earned in each course.**

[(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.]

(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)*[(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] General Requirements. *[DESE shall ensure that multiple content providers are allowed in the event that]* **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, [and are determined] to meet qualifications of the MOCAP Qualified Vendor List, to be responsive to the request for proposal issued by [DESE] 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, and secure data standards by the Missouri Office of Administration's Cyber Security Office, and 162.1250, RSMo, the department shall ensure that multiple content providers are allowed.**

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

(6) Learning Management System. All learning management systems must be deemed low-risk by the Missouri Office of Administration's Cyber Security Office.

(7) 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.

(8) 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: sections 161.092, 161.670, [163.031 and 163.043,] RSMo [Supp. 2007] 2016. Original rule filed Sept. 12, 2007, effective March 30, 2008. Amended: Filed January 15, 2019

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, ATTN: John Robertson, Coordinator, Educational Support Services, PO Box 480, Jefferson City, MO 65102-0480 or by email at DESE.MOCAP@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*