

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 (board) is amending the Purpose, sections (3), (4), and (6), deleting section (5), adding new sections (7) and (8), and renumbering as needed.

PURPOSE: This amendment sets forth procedures and timelines for the denial of student enrollment in Missouri Course Access and Virtual School Program (MOCAP) courses and reporting requirements for local education agencies (LEAs). This amendment also clarifies the requirements for LEAs that request the Missouri Department of Elementary and Secondary Education (department) to include its courses in the MOCAP catalog, as authorized by section 161.670, RSMo.

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

(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 (**LEAs**) will accept all transfer credit earned from any MOCAP course.

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

(4) *[General Requirements]* Provider and Course Inclusion in the MOCAP Catalog. There are two methods by which virtual providers and virtual coursework will be included in the MOCAP Catalog:

(A) **Request for Proposals.** 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]* to 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 **section** 162.1250, RSMo, the department shall ensure that multiple content providers are allowed.

(B) LEAs.

1. LEAs may request that the department include virtual courses offered by the school district or charter school in the MOCAP catalog.

2. Requests must be made by January 1 for inclusion in the fall catalog and July 1 for inclusion in the spring catalog.

3. The LEA is deemed to be an approved provider; however, before courses are included in the MOCAP catalog, the LEA must demonstrate that they meet the requirements of sections 161.670 and 162.1250, RSMo, including, but not limited to:

A. Pricing and billing structures meet the requirements of section 161.670, RSMo;

B. Student information is secure and the LEA's designee signs the department's attestation that they have measures in place to prevent data breaches and that data breaches are reported pursuant to sections 162.1475 and 407.1500, RSMo;

C. Courses are taught by teachers appropriately certified by the department as required by section 161.670, RSMo;

D. Courses meet the requirements of section 162.1250, RSMo;

E. Courses meet the standards of section 161.935, RSMo, to assure compliance with federal accessibility laws; and

F. Courses are aligned to Missouri State Learning Standards.

4. If a LEA offers virtual courses or a full-time virtual program that is purchased from another vendor, the LEA is the approved provider. The approved provider's responsibilities include, but are not limited to, coordination of enrollment, billing, progress and completion reporting, educator assignment reporting, and dispute resolution.

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

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

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

(A) *[Local Education Agencies]* LEAs 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.

(7) MOCAP Enrollment Decisions. If a student requests enrollment in a MOCAP course or full-time virtual school, the LEA must either approve or deny the request within thirty (30) days. A failure to render and communicate the decision within thirty (30) days will be deemed to be an enrollment approval.

(A) MOCAP enrollment decisions for students with disabilities must be made by the student's Individualized Education Program team.

(B) Appeals to the department of enrollment in MOCAP courses can be made through the department's website: <https://dese.mo.gov/>. If a student or parent (appellant) files an appeal to the department of an enrollment decision, the department will notify the appellant and the LEA of receipt of the appeal. The appellant, when filing the appeal, must submit any and all material previously submitted to the governing board of the LEA whose decision is being appealed along with the final decision of the governing board. The school district or charter school will have seventy-two (72) hours from the filing of the appeal to submit the full record, including evidence given by the LEA used to make the governing board's decision. If necessary, the department may ask for clarification of the materials presented.

(8) Each semester, LEAs must file with the department, in a manner and at the time specified by the department, the number of MOCAP applications they received along with the number of applications approved and the number denied.

AUTHORITY: section 161.092, RSMo 2016, and section 161.670, RSMo Supp. 2018. 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. Amended: Filed Jan. 15, 2019, effective Aug. 30, 2019. Amended: Filed June 12, 2020.

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: Chris Neale, Assistant Commissioner, Office of Quality Schools, 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.*