

# REFERENCE COPY

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Critical

## EXPLANATION: VIRTUAL COURSES

MSBA has created this NEW policy to comply with the requirements of Senate Bill 603 (2018) and House Bill 1606 (2018). These bills create the Missouri Course Access Program (MOCAP). Under MOCAP, course providers apply to the Missouri Department of Elementary and Secondary Education (DESE) to have their virtual courses approved. Course providers can be for-profit or nonprofit companies or public school districts.

Once DESE approves a course, eligible K–12 students may enroll in MOCAP courses at district expense unless the district determines that it is not in the best educational interest of the student to take the course. A parent/guardian who disagrees with the district's decision may appeal to the School Board and then to DESE. The law does not require the district to pay for virtual courses above and beyond full-time enrollment in the district, and the district cannot collect state aid for a student beyond full-time attendance.

The statute requires school districts and charter schools to have a policy that sets out the process for students to enroll in virtual courses. Here are some other issues the district should consider when reviewing and implementing this policy:

1. The process for students to enroll in MOCAP courses must be "substantially similar" to the process the district uses to enroll students in courses offered by the district. That is why this policy applies to enrollment in district-sponsored virtual courses as well as MOCAP courses. The district cannot require students who seek to take MOCAP courses to meet more requirements or follow more procedures than students who take other virtual courses offered by the district.
2. Students must be allowed to take MOCAP virtual courses unless there is "good cause" for the student not to take the course. The statute defines "good cause" as "a determination that doing so is not in the best educational interest of the student." If the district refuses to allow the student to enroll in a MOCAP course, the student or the parent/guardian may appeal the decision to the Board and then to DESE.

MSBA has created an administrative procedure to accompany this policy to assist school administrators in making the best interest determination. Because the decision may be appealed to the Board and DESE, district administrators need to be prepared to justify and defend any decision to deny access to a virtual course. MSBA has also created a form for this purpose.

Because the legislation is vague as to what constitutes "good cause," districts will have to make decisions about good cause according to district-chosen criteria on a case-by-

case basis. It is MSBA's understanding that the cost of a course cannot be a factor in determining good cause since good cause is based on the best interest of the student, not the district.

3. MSBA has written this policy so that the "principal or designee" decides whether to approve enrollment in a virtual course. While it might seem logical for school counselors to be responsible for this process, some districts do not have counselors in every building. In addition, the new law specifically states that "[s]chool counselors shall not be required to approve or disapprove a student's enrollment" in MOCAP. § 161.670(b)(2), *RSMo*. If a district has sufficient counseling staff, the district can and should include the counselor in the decision, but the counselor will not be the person who ultimately makes the decision about the student's enrollment.
4. Districts cannot prohibit students receiving special education or accommodations for a disability from enrolling in virtual courses. Districts cannot prevent these students from taking these courses simply because the student has a disability, and districts should process requests from these students in the same manner as requests from other students.

That said, if an individualized education program (IEP) team determines that a virtual course would conflict with the "appropriate" education the district is required to provide the student, the IEP team may make the decision that the student will not be enrolled in the course. In those circumstances, the appeal must be made through the federal special education process, rather than to the superintendent/designee or the Board. While the new state statute does not address this situation, federal law needs to prevail in these circumstances. MSBA encourages districts to consult with a private attorney to obtain an opinion on this issue.

5. The statute allows the "student and the student's family" to appeal if the student is denied enrollment in a MOCAP course. MSBA has taken the liberty of substituting a "parent/guardian" for "family" in this policy. We do not think it was the intent of the legislature to allow aunts, uncles and grandparents to appeal these decisions unless those persons are raising the child.
6. MSBA recommends that districts consider how they will handle the supervision of students who take some, but not all, of their coursework virtually. There will be students who will physically attend district courses part of the day and attend virtual courses part of the day. How will the district supervise these students? The district could impose the same rules it would if a student were taking some classes in the district and others at another physical location, such as a private or home school. This may include providing a supervised place where students could study in between

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**courses in the district or requiring parents/guardians to pick up their students for the part of the day that they are not receiving instruction. The district may provide a set location where students can work on virtual courses in which they are enrolled during the school day, but the district is not required to do so. These are decisions that might depend on the age or grade level of the students involved and available physical and human resources.**

- 7. Districts will still be required to administer end-of-course examinations to students even if the student is taking the relevant course through MOCAP.**
- 8. Districts must accept all credits earned through MOCAP. This includes courses students have taken at their own expense even if such courses result in the student earning more than the possible number of credits a student could have earned attending classes in the district full-time.**

*MSBA recommends that copies of this document be routed to the following areas because the content is of particular importance to them. The titles on this list may not match those used by the district. Please forward copies to the district equivalent of the title indicated.*

	Board Secretary	X	Business Office		Coaches/Sponsors
	Facility Maintenance		Food Service	X	Gifted
	Human Resources	X	Principals		Library/Media Center
	Health Services	X	Counselor	X	Special Education
	Transportation	X	Public Info/Communications	X	Technology

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## VIRTUAL COURSES

Because virtual instruction can be an effective education option for some students, the district may offer virtual courses to students through district staff or by contracting for those services as part of the district-sponsored curriculum. In addition, eligible students may enroll in virtual courses offered through the Missouri Course Access Program (MOCAP). The district will accept all grades and credits earned through district-sponsored virtual instruction and MOCAP.

The district will pay the costs of a virtual course only if the district has first approved the student's enrollment in the course as described in this policy. Even if a student or his or her parents/guardians pay the costs for a virtual course, the student or parents/guardians should meet with the principal or designee prior to enrollment to ensure that the course is consistent with the student's academic and personal goals.

The district is not required to provide students access to or pay for courses beyond the equivalent of full-time enrollment. The district will provide supervision for students who take virtual courses in district facilities but will not provide supervision for students taking virtual courses offsite.

Students taking courses virtually are subject to district policies, procedures and rules applicable to students enrolled in traditional courses including, but not limited to, the district's discipline code and prohibitions on academic dishonesty, discrimination, harassment, bullying and cyberbullying.

### **Enrollment in Virtual Courses**

The superintendent or designee will establish open enrollment periods and registration deadlines for students to enroll in virtual courses offered by the district or through MOCAP. These enrollment periods and registration deadlines will be strictly enforced unless the superintendent or designee determines that an exception is warranted due to circumstances such as a change in a student's health or the long-term suspension of a student. Enrollment periods and registration deadlines must align with the district's academic calendar and assessment schedule to the extent practicable.

A student or parent/guardian must notify the student's principal or designee before the student may enroll in a district-sponsored virtual course or a MOCAP virtual course through the district. The student will be enrolled unless the principal or designee, in consultation with the student's parents/guardians and relevant staff, such as the school counselor or district special education director, determines that there is good cause to refuse the student enrollment in the course. For enrollment in a MOCAP course, good cause is limited to situations where it is not in the best educational interest of the student to enroll in the course.

Students or parents/guardians who disagree with the principal's or designee's determination about a MOCAP course can appeal the decision to the Board of Education and the Department of

Elementary and Secondary Education (DESE) as detailed later in this policy. For all other virtual courses, students or parents/guardians may appeal the decision to the superintendent or designee, and the superintendent's or designee's decision will be final. The superintendent or designee is authorized to consult the district's attorney prior to making a decision.

### **Students with Disabilities**

In general, students with disabilities may enroll in district-sponsored virtual courses or MOCAP virtual courses using the same approval process applicable to other students. However, in accordance with federal law, if a student receives special education services, the student's individualized education program (IEP) team may determine that a virtual course is not appropriate for the student even if the course has otherwise been approved. Any appeal of that decision must be made through the special education process rather than to the superintendent or designee or the Board.

If a student who is receiving accommodations for a disability under Section 504 of the Rehabilitation Act (Section 504) is enrolled in a virtual course, the student's Section 504 team will determine whether any additional accommodations are necessary for the student.

### **Attendance and Completion**

Students who enroll in district-sponsored virtual courses or MOCAP courses through the district are expected to actively participate in those courses with the goal of completing the course. If a student does not actively participate in a course or is not successful in the course, the district may remove the student from the virtual course and refuse to enroll the student in virtual courses in the future.

Students enrolled in virtual courses are expected to complete all course requirements in the time allotted for the course. Extensions of time to complete a virtual course will be permitted only in situations where completion of the course in the allotted time would be impossible due to factors not controlled by the student.

Students enrolled in a district-sponsored or MOCAP course through the district will be considered in attendance for state aid purposes in accordance with law. A completed virtual course shall be counted as no less than 95 percent attendance for purposes of A+ eligibility.

### **End-of-Course (EOC) Examinations**

Students are required to take state-required EOC examinations administered by the district regardless of whether the course for which the examination is required was taken virtually or in the traditional classroom.

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## Notice

The district will inform students and parents/guardians in handbooks, registration documents and on the homepage of the district's website of the option to enroll in virtual courses, including courses offered through MOCAP, as required by law.

## MOCAP

In accordance with state law, the district will pay the cost of student enrollment in MOCAP virtual courses as long as:

1. The student meets eligibility requirements;
2. The student has approval for enrollment in accordance with this policy; and
3. Taking the course does not cause the student to exceed full-time enrollment in the district.

In addition to the requirements listed above and in accordance with law, a student is eligible to enroll in a MOCAP course through the district if:

1. The student resides in and is enrolled in the district on a full-time basis;
2. The student has attended a public school or charter school for at least one semester immediately prior to enrolling in a MOCAP course;\* and
3. The enrollment is approved by the principal or designee.

\*A student will be excused from this requirement if he or she has a documented medical or psychological diagnosis or condition that prevented the student from attending a school in the district during the previous semester.

The district is not obligated to provide students computers, equipment or Internet access to take a MOCAP course unless otherwise required by law to accommodate a student with a disability.

District counselors or certificated staff will develop an individual career and academic plan (ICAP) for district students enrolled in three or more virtual courses. If a student already has an ICAP, the plan will be reviewed and modified as necessary. In accordance with law, school counselors cannot be required to make the final decision regarding a student's enrollment in a MOCAP course.

***Appeal***

If the principal or designee determines that it is not in a student's best educational interest to take a virtual course, the student and the parents/guardians will be notified in writing, provided an explanation for the decision and informed that the student or parents/guardians may appeal the decision to the Board. However, if the student is receiving special education services, the student's IEP team will make the final decision regarding student enrollment in a virtual course in accordance with federal law, and the decision must be appealed through the special education process rather than through the Board.

If the student or parent/guardian appeals to the Board, the principal or designee will provide the Board written reasons for denying the student's enrollment, and the student or parent/guardian will provide written reasons the student should be allowed to take the course. Both documents will be retained by the Board and will be incorporated into the minutes. In addition, the student, parents/guardians and the principal or designee will be allowed to present their arguments at a Board meeting.

The appeal to the Board shall be held in closed session. The Board will consider the information presented and release a written decision within 30 calendar days of the meeting. The student or parents/guardians may appeal the decision to DESE. The appeal to DESE must be filed within seven days of the Board's final decision.

***Payment***

The district will pay a MOCAP course provider a monthly pro rata amount based on a student's completion of assignments and assessments, subject to the cost limitations in state law. The district will stop making monthly payments if a student discontinues enrollment. The superintendent or designee is authorized to negotiate lower course rates with MOCAP course providers when possible.

***Monitoring and Reporting***

The district will monitor the progress and success of students enrolled in MOCAP courses. The district may remove a student from a course if it does not meet the educational needs of the student. The district may terminate access to a course or refuse to allow students to enroll in a MOCAP course if the district determines that the course is not meeting the educational needs of the students enrolled in the course.

All concerns regarding the quality or delivery of a MOCAP course will be reported to DESE. The district may consider concerns regarding the quality of a course when making approval decisions for other students. In addition, the district will consider recommendations made by DESE regarding continued or future enrollment in MOCAP courses.

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## *Transfers*

The district will accept transfer credits students earn by successfully passing approved MOCAP courses if the course provider gives the district an official record of the completed course and the grade earned. Students who transfer to the district while enrolled in MOCAP courses will be allowed to continue enrollment in those courses even if the course provider is not one used by the district.

\* \* \* \* \*

***Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.***

Adopted:

Revised:

Cross Refs: AC, Prohibition against Discrimination, Harassment and Retaliation  
BDC, Closed Meetings, Records and Votes  
BDDH, Public Participation at Board Meetings  
JEA, Compulsory and Part-Time Attendance  
JECC, Assignment of Students to Grade Levels/Classes  
JFCF, Bullying  
JG-R1, Student Discipline  
JHD, Student Guidance and Counseling

Legal Refs: §§ 161.670; 610.021, RSMo.  
Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 - 1417  
The Rehabilitation Act of 1973, Section 504, 29 U.S.C. § 794  
Americans with Disabilities Act, 42 U.S.C. §§ 12101 - 12213  
34 C.F.R. Part 104  
34 C.F.R. Part 300

School District of Maplewood Richmond Heights, Maplewood, Missouri