



# Know your rights to virtual education

Under state law, Missouri students have the right to enroll in virtual education free of charge.



## Eligibility

To qualify to enroll in virtual education a student must have been attended full-time a Missouri public school for at least the prior semester. Exceptions are made for students with documented medical or psychological diagnoses or conditions that prevented the student from attending a school in the community during the previous semester.



## Timely decision

Districts should provide a timely decision on applications to enroll in virtual education. If you have not heard a response from your district within two weeks you should reach out and check on the process of the decision.



## Read the law

When in doubt, read the statute governing virtual education in Missouri. You can find key portions of the law on the back and the full statute at <https://bit.ly/2ZLq86K>



## Who pays for it?

Your child's public school is responsible for paying for virtual education courses up to a full-time program. The school CANNOT base decisions on enrollment on the potential cost to the district. Districts are NOT required to pay for virtual courses over what would be considered a full schedule for your child, nor are they required to pay for courses not approved by MOCAP.



## Choosing a provider

You, NOT the district, have the right to choose which virtual education provider is best for your student.

Many districts will try to make you enroll with a provider they already have a contract with, but these decisions are frequently based on cost and NOT the educational best interests of your child.

All MOCAP approved courses taught by instructors with Missouri certifications and follow Missouri learning standards.

# Key portions of Section 161.670, RSMo to ensure your rights

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... 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... 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:
  - 3.(1)(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
  - 3.(1)(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.
3. (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. (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.
3. (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.
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.