

UNDERMINING MOCAP: WRONGFUL DENIALS BY MISSOURI SCHOOL DISTRICTS

Parents Forced to Take Legal Action to Protect School Choice Options



Introduction: The Missouri Course Access and Virtual School Program (MOCAP) expanded access to online courses and a full-time virtual school option in Missouri when it passed the state legislature in 2018. Missouri families began to realize the benefits of MOCAP during the 2019-2020 school year. However, as families sought enrollment approval from their home school districts as required by the law, school district officials began to take the law into their own hands and deny families enrollment opportunities in virtual full-time and course options, under the guise of the “best educational interests” of the student in an effort to tie students to the home district against the wishes of their parent or guardian. This resulted in other abuses of power, described below, including denial of due process and a parent’s choice in their child’s education.

Fulton Public Schools (FPS): Working directly with the Department on Elementary and Secondary Education (DESE), FPS refused to recognize a full-time course MOCAP-compliant program and denied three siblings access to the program. After the family filed legal action against the district for the right to enroll, a Cole County judge ordered DESE to recognize the parent’s preferred online program on its list of MOCAP-approved providers and thereby allow the process of enrollment to restart with FPS.

Warsaw School District: A child with medical complexities was initially approved by her District for MOCAP program enrollment, and then the district attempted to rescind approval. The family retained a lawyer to help secure their daughter’s rights. Despite harassing truancy calls to the family, the parents gathered medical opinions of multiple physicians about the student to support their “best interest” decision. When the district recognized they were on the verge of legal costs to fight the family in court, the school relented, and approval for enrollment was confirmed.

Independence School District (ISD): Nearly a dozen families seeking enrollment in MOCAP programs have been denied access by ISD under especially egregious circumstances throughout the 2019-2020 school year, including:

- Signed forms approving MOCAP enrollment later invalidated because of “clerical error” or the forms not signed by school personnel with any authority, as claimed by district senior officials.
- Parents told that if student did not return to brick and mortar the district would “see them in court”
- Harassment of parents with “truancy calls” after providing signed MOCAP enrollment forms.
- Due process denial of parents the right to have counsel present at an enrollment hearing before the school board - by deeming the hearing “closed” and forcing the attorney (present to represent the family at the hearing) to remain on a different floor of the building than the parents during the actual hearing.
- Presenting 100 pages of new documentation to parents in justification of the enrollment denial during school board hearings – a violation of the law which states documentation must be provided at the time of denial – thus giving parents no opportunity to review or prepare for new evidence and arguments in the moment.

Raytown School District / Blue Springs School District / Lebanon School District: Families received signed forms approving enrollment that districts later claimed were invalid. Families retained legal counsel and only after extensive pressure on the districts and expense generated between parent’s counsel and District lawyers did the districts agree to comply with the law and drop their challenges to enrollment in MOCAP program.

Winfield School District: Initially denied a student’s enrollment in a full-time virtual program by claiming that student had been successful at her current school and there was no evidence virtual courses were necessary given that the student appeared on track to graduate from a traditional public school. Student had a prevailing medical issue that made her parents concerned for instruction at the physical facility due to insufficient staff available to facilitate and evaluate her daily care. The family successfully argued, with aid of legal counsel, that student achievement in a brick and mortar school is not grounds for denying enrollment in a state-approved course access or virtual program. The student remains on track to graduate from full-time MOCAP program.

Saint Louis Public Schools: Has refused to act on lawful requests from multiple students to enroll in full-time virtual programs under MOCAP. Families have been forced to take action due to district’s delays and omissions to act. Parents are represented by counsel and one filed against the district in recent weeks.