

# REFERENCE COPY

FILE: IGCD  
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.

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	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:

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

Eldon R-I School District, Eldon, Missouri



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## EXPLANATION: NONTRADITIONAL INSTRUCTION OPTIONS (K-12 Districts)

MSBA is revising this policy to align with the requirements of Senate Bill 603 (2018), House Bill 1606 (2018) and MSBA's new policy on virtual courses, IGCD. In addition, MSBA is revising this policy in response to the newest version of "Graduation Requirements for Students in Missouri Public Schools" (Graduation Handbook) issued by the Department of Elementary and Secondary Education (DESE) in May 2018. A copy of that document may be obtained at:

[https://dese.mo.gov/sites/default/files/Graduation\\_Handbook.pdf](https://dese.mo.gov/sites/default/files/Graduation_Handbook.pdf).

This version of the Graduation Handbook more clearly addresses the requirements and limitations for off-campus instruction opportunities. DESE has created extensive rules for these programs and requires districts to obtain written approval for the programs if the students will be counted in attendance, funding is involved or high school credit is to be granted. MSBA has therefore decided to remove the details of most of these programs from this policy. Most of these rules are not optional. Instead, the Board will direct the administrative staff to ensure that the programs are operated in compliance with DESE directives to ensure that the district may collect state aid for the program.

Missouri law authorizing the School Flex Program does not address whether students participating in the program will receive credit. The Graduation Handbook states that awarding of credit should be addressed in Board policy. Further, the guidance states that districts should be prepared to justify any credit awarded. For this reason, MSBA has retained the School Flex Program language and included language to serve as a guide for awarding credit for that program. The district is free to establish its own guidelines or determine that no credit will be awarded for nonacademic activities. For more information on the School Flex Program, see § 160.539, RSMo., and the Graduation Handbook.

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## **DISTRICT-SPONSORED NONTRADITIONAL INSTRUCTION OPTIONS** *(K-12 Districts)*

The Eldon R-I School District strives to provide a diverse range of courses to meet student needs and interests. In addition to traditional course options, the district encourages staff to seek nontraditional methods of instruction to outside the traditional classroom setting when doing so would assist students toward graduation or provide postsecondary and vocational preparation. Staff are particularly encouraged to seek nontraditional alternatives to provide a wider range of courses for students. In addition, the district may also utilize diverse instruction options for homebound students, students under long-term suspension or other students the district determines to be in need of alternative instructional arrangements.

Nontraditional instruction options may include off-campus instruction, virtual instruction or other instructional experiences outside the regular classroom setting. Before arranging for course credit for offering nontraditional instruction options, staff must verify that such instruction options are eligible for state aid, align with state and federal requirements and are consistent with the instructional goals of the district. Staff must also ensure that adequate supervision is provided, that students are under the guidance and direction of certified teachers and that the district is insured for the program.

Unless otherwise required by law, participation in nontraditional instruction programs is a privilege. Students who do not succeed in alternative instructional environments may be transferred to other programs, including the district's standard program. Students are subject to district discipline while participating in nontraditional courses programs. Unless otherwise required by law or approved by the superintendent or designee, students who fail to complete a course, drop out without district permission or are expelled from a course will not be allowed to take another nontraditional course at district expense.

### **Virtual Instruction**

The district may offer instruction through district-sponsored virtual courses to enrolled students through district staff or by contracting through a vendor and will approve students to take virtual courses through the Missouri Course Access Program (MOCAP) in accordance with policy IGCD and law. In addition, the district may pay for a student to enroll in courses provided through Missouri K-12 Online, the Missouri Virtual Instruction Program (MoVIP) or other providers approved by the Board.

In order for the district to enroll a student in virtual instruction under this policy, the student must currently be enrolled in the district and remain enrolled in the district throughout the course until credit is earned. A district counselor must approve the course as academically appropriate for the student and must determine that the course will not hinder the student's progress toward timely

~~graduation. All grades and credits earned through district-sponsored virtual instruction will be accepted as if earned within the district. The district will collect state funding to the extent possible for resident students enrolled in virtual instruction.~~

### **Dual Enrollment in Postsecondary Courses**

~~In addition to offering dual credit courses,~~ The district may enter into an agreement with a Missouri public community college or public or private four-year college or university to offer students postsecondary courses on the postsecondary school's campus or virtually through the postsecondary school at the district's expense. Students will receive both high school and college credit.

~~Postsecondary courses in which students are dually enrolled may be counted as part of the district's curricular offerings only if the district pays the essential costs of tuition, fees and books and provides transportation at no cost to students.~~

### **Academic/Curriculum-Based Service Learning**

The district may offer academic/curriculum-based service learning that allows students to engage in community service with the opportunity to enrich the learning experience, teach civic responsibility and strengthen communities. ~~The program must have a related instructional component at the high school and be supervised by an appropriately certificated staff member. Students will receive credit as part of a core curriculum class or as an elective class. Students will not be paid for service-learning projects.~~

### **Off-Campus Learning Opportunities**

~~The district may award credit for additional off-campus learning experiences that have been approved by the district and meet the requirements of the Department of Elementary and Secondary Education (DESE). Such programs may include off-campus academic programs, career exploration programs, cooperative career education programs, work experiences for students with disabilities, the School Flex Program, and instruction in a sheltered workshop setting. The district will obtain written approval from DESE, when required, prior to implementing an off-campus program.~~

~~The district may offer credit for these off-campus opportunities in accordance with DESE requirements. The amount and type of credit awarded will depend on the hours spent in the activity and the extent to which those activities are consistent with the student's individual career and academic plan (ICAP).~~

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### *School Flex Program*

The district may participate in a program that allows a student to be employed or attend an off-campus college or a technical/career program while still being considered a full-time student of the school district. The program is only open to juniors and seniors who have approval from the principal and their parents/guardians. To participate in the program, the student must:

1. Have a written career/academic plan an ICAP that meets the Department of Elementary and Secondary Education's DESE's criteria for a personal plan of study.
2. Attend the district a minimum of two instructional hours per school day.
3. Pursue a timely graduation through an enrollment in district-required classes in order to meet graduation requirements.
4. Provide evidence of college or technical/career education enrollment and attendance or proof of employment and labor that is aligned with the student's "career academic plan" ICAP developed in conjunction with the district.
5. Refrain from being expelled or suspended while participating in the program.
6. Pursue regular requirements for a diploma.
7. Maintain a 95 percent attendance rate.

A student participating in the School Flex Program will be considered a full-time student of the district and may receive academic credit for his or her off-campus education or employment.

### ~~Other Off-Campus Programs~~

~~The district may offer the following off-campus learning experiences subject to state approval:~~

- ~~1. Academic Programs — The district may offer academic courses that include an off-campus, applied knowledge component. Students will receive elective credit for the course, and no more than two units of credit may be awarded in any school year. Students may receive payment for their off-campus experience and must be supervised by an appropriately certificated staff member.~~
- ~~2. Career Exploration Programs — The district may offer programs to assist students in career exploration by exposing them to a variety of occupations practiced at the job site. The program will have a related instructional component at the high school and will be~~

~~supervised by an appropriately certificated staff member. Students will receive elective credit, and no more than two units of credit may be awarded each school year. Students may be paid for the work performed in association with the program.~~

- ~~3. Cooperative Career Education Programs — The district may design programs to provide structured, off-campus work experiences in a controlled environment along with related vocational and academic instruction. The program will have a related instructional component at the high school and will be supervised by an appropriately certificated staff member. Students will receive elective credit, and no more than two units of credit may be awarded during any school year. The student must be considered an employee for the work performed and may receive payment for services provided.~~
- ~~4. Work Experience for Students with Disabilities — The district may organize or participate in work experience programs for students who have individualized education programs (IEPs) that indicate the need for work experience. These work experiences may occur through a Cooperative Work Experience Program ("COOP") or a Sheltered Workshop Program. Students must be enrolled in and receiving related instruction before receiving credit for the off-campus experience. Students participating in a COOP must be paid for their off-campus work and will receive no more than two elective credits per year or twice the number of credits granted for related instruction, whichever is less.~~

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Adopted: 06/18/2007

Revised: 05/25/2010; 02/19/2013; 04/17/2017;

Cross Refs: JEA, Compulsory and Part-Time Attendance  
JHD, School Counseling

Legal Refs: §§ 160.539, 161.670, 162.1250, 167.223, RSMo.  
5 C.S.R. 20-100.230

Eldon R-I School District, Eldon, Missouri