



Rules of
Department of Elementary and
Secondary Education
Division 20—Division of Learning Services
Chapter 100—Office of Quality Schools

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**Title 5—DEPARTMENT OF
ELEMENTARY AND
SECONDARY EDUCATION**

**Division 20—Division of Learning Services
Chapter 100—Office of Quality Schools**

**5 CSR 20-100.105 Missouri School
Improvement Program-5**

PURPOSE: This rule implements an accountability system for Missouri public school districts and is designed to stimulate and encourage improvement in student performance. An assessment of school districts' educational outcomes will enable the State Board of Education to classify districts as required by state law.

(1) Pursuant to section 161.092, RSMo, this rule is to be effective two (2) years from the date of adoption of the proposed rule by the State Board of Education (board). The *Missouri School Improvement Program (MSIP)-5 Performance Standards and Indicators*, Appendix A, included herein, is comprised of quantitative standards for school districts. *MSIP-5 Process Standards and Indicators* will include evidence of adequate instruction in physical education and fine arts to be included in standards used to determine classification.

(2) School district performance will be reviewed annually by the Department of Elementary and Secondary Education (department) in accordance with this rule, including the standards, using the appropriate scoring guide, forms, and procedures outlined by the department. Review of these data will guide the department in determining school districts in need of improvement as well as the appropriate level of intervention necessary for significant and sustained improvement in student achievement and in determining high performing school districts that may serve as models of excellence. Decisions will be made using multiple years of data.

(3) The board will assign classification designations of unaccredited, provisionally accredited, accredited, and accredited with distinction based on the standards of the MSIP.

(4) As a condition of receiving a classification designation other than unaccredited, each school district reviewed under the MSIP must maintain a current school improvement plan in a format approved by the department. Districts identified through the MSIP as needing improvement must submit a school improvement plan for approval by the department.

(5) A school district's classification designation based on the standards of the MSIP will remain in effect until the board approves another designation. The board may consider changing a district's classification designation upon its determination that the district has—

(A) Failed to implement any required school improvement plan at an acceptable level;

(B) Demonstrated significant change in student performance over multiple years;

(C) Employed a superintendent or chief executive officer without a valid Missouri superintendent's certificate in a K-12 school district, or employed a superintendent or chief executive officer without a valid Missouri superintendent's or elementary principal's certificate in a K-8 school district;

(D) Experienced significant change in the scope or effectiveness of the programs, services, or financial integrity upon which the original classification designation was based; and/or

(E) Failed to comply with a statutory requirement.

(6) The board of education of any school district which is dissatisfied with the classification designation assigned by the board shall request reconsideration within sixty (60) calendar days of notice received of the original classification. The request for reconsideration shall be submitted to the commissioner of education and state the specific basis for reconsideration, including any errors of fact cited to support reconsideration. Review by the board shall be scheduled within sixty (60) calendar days of receipt of the request for reconsideration and shall be based upon the materials submitted with the original classification, the request for reconsideration, and any materials offered by the commissioner of education or requested by the board.



APPENDIX A
Missouri School Improvement Program
MSIP-5 Performance Standards and Indicators

PERFORMANCE STANDARDS FOR K-12 DISTRICTS

1. Academic Achievement—The district administers assessments required by the Missouri Assessment Program (MAP) to measure academic achievement and demonstrates improvement in the performance of its students over time.

1. Student performance on assessments required by the MAP meets or exceeds the state standard or demonstrates improvement in performance over time.
2. The percent of students tested on each required MAP assessment meets or exceeds the state standard.
3. Growth data indicate that students meet or exceed growth expectations.

2. Subgroup Achievement—The district demonstrates required improvement in student performance for its subgroups.

1. The performance of students identified on each assessment in identified subgroups, including free/reduced price lunch, racial/ethnic background, English language learners, and students with disabilities, meets or exceeds the state standard or demonstrates required improvement.

3. College and Career Readiness—The district provides adequate post-secondary preparation for all students.

1. The percent of graduates who scored at or above the state standard on any department-approved measure(s) of college and career readiness, for example, the ACT[®], SAT[®], COMPASS[®] or Armed Services Vocational Aptitude Battery (ASVAB), meets or exceeds the state standard or demonstrates required improvement.
2. The district's average composite score(s) on any department-approved measure(s) of college and career readiness, for example, the ACT[®], SAT[®], COMPASS[®], or ASVAB, meet(s) or exceed(s) the state standard or demonstrate(s) required improvement.
3. The percent of graduates who participated in any department-approved measure(s) of college and career readiness, for example, the ACT[®], SAT[®], COMPASS[®], or ASVAB, meets or exceeds the state standard or demonstrates required improvement.
4. The percent of graduates who earned a qualifying score on an Advanced Placement (AP), International Baccalaureate (IB), or Technical Skills Attainment (TSA) assessments and/or receive college credit through early college, dual enrollment, or approved dual credit courses meets or exceeds the state standard or demonstrates required improvement.
5. The percent of graduates who attend post-secondary education/training or are in the military within six (6) months of graduating meets the state standard or demonstrates required improvement.
6. The percent of graduates who complete career education programs approved by the department and are placed in occupations directly related to their training, continue their education, or are in the military within six (6) months of graduating meets the state standard or demonstrates required improvement.

4. Attendance Rate—The district ensures all students regularly attend school.

1. The percent of students who regularly attend school meets or exceeds the state standard or demonstrates required improvement.

5. Graduation Rate—The district ensures all students successfully complete high school.

1. The percent of students who complete an educational program that meets the graduation requirements as established by the board meets or exceeds the state standard or demonstrates required improvement.

PERFORMANCE STANDARDS FOR K-8 DISTRICTS

1. Academic Achievement—The district administers assessments required by the MAP to measure academic achievement and demonstrates improvement in the performance of its students over time.

1. Student performance on assessments required by the MAP meets or exceeds the state standard or demonstrates improvement in performance over time.
2. The percent of students tested on each required MAP assessment meets or exceeds the state standard.
3. Growth data indicate that students meet or exceed growth expectations.

2. Subgroup Achievement—The district demonstrates required improvement in student performance for its subgroups.

1. The performance of students identified on each assessment in identified subgroups, including free/reduced price lunch, racial/ethnic background, English language learners, and students with disabilities, meets or exceeds the state standard or demonstrates required improvement.



3. High School Readiness—The district provides adequate post-elementary preparation for all students.

1. The percent of students who earn a proficient score on one (1) or more of the high school end-of-course (EOC) assessments while in elementary school meets or exceeds the state standard or demonstrates required improvement.

4. Attendance Rate—The district ensures all students regularly attend school.

1. The percent of students who regularly attend school meets or exceeds the state standard or demonstrates required improvement.



AUTHORITY: sections 160.514, 160.526, and 167.131, RSMo 2000, and sections 160.518, 161.092, 162.081, and 168.081, RSMo Supp. 2011. Original rule filed Aug. 18, 2011, effective March 30, 2012.*

**Original authority: 160.514, RSMo 1993; 160.518, RSMo 1993, amended 2001, 2002, 2004, 2008; 160.526, RSMo 1993, amended 1998; 161.092, RSMo 1963, amended 1973, 2002, 2003; 162.081, RSMo 1963, amended 1973, 1992, 1993, 1998, 2005; 167.131, RSMo 1963, amended 1973, 1993; and 168.081, RSMo 1963, amended 1984, 2002.*

5 CSR 20-100.110 Programs for Gifted Children

PURPOSE: The Department of Elementary and Secondary Education has the responsibility under section 162.720, RSMo to approve applications for special programs for gifted students. This rule establishes the standards for program approval and administrative procedures for the programs.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) For the purposes of special programs for gifted students the programs shall be designed in the academic area, the fine arts, or both.

(2) Annually, the Department of Elementary and Secondary Education (DESE) solicits applications from eligible elementary and secondary school districts which shall be due as of a date and in a form established by DESE. Anyone interested in receiving a copy of the *General Administrative Procedures for Gifted Programs* (August 2006) which is incorporated by reference and made a part of this rule, as published by DESE, may contact the Gifted Education Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480 or by downloading a copy from the Internet. This rule does not incorporate any subsequent amendments or additions.

(3) Approved applications must demonstrate that the applicant has:

(A) Established a systematic process for

identification and selection of gifted students. This process shall use multiple criteria for identification and selection such as, but not limited to, objective measures and competent professional evaluation; and

(B) Listed each individual instructional staff position and for each position, the amount of time which will be spent in the gifted program, the number of gifted students to be served and the delivery system to be used.

(4) For approved programs, districts shall maintain on file in the district:

(A) The project goals and learner objectives which should be achieved by gifted students participating in the program;

(B) The program activities of the project which shall be beyond the level normally provided in regular school programs and which contribute particularly to meeting the identified unmet needs of gifted students; and

(C) The results of an annual evaluation used to determine the effectiveness of the program as a whole and the program's impact upon participating students.

(5) Instructional personnel in the program for gifted students shall possess the appropriate certification for the gifted program service they are providing.

(6) Instructional positions and assignments in the state-approved program shall be reported in a manner and format approved by DESE on the annual core data reports.

AUTHORITY: section 162.720, RSMo 2000, section 161.092, RSMo Supp. 2014, and section 162.675, RSMo Supp. 2013. This rule was previously filed as 5 CSR 70-742.120 and 5 CSR 50-200.010. Original rule filed May 20, 1974, effective May 30, 1974. Amended: Filed Dec. 24, 1975, effective Jan. 3, 1976. Amended: Filed Nov. 7, 1977, effective March 1, 1978. Rescinded and readopted: Filed March 7, 1979, effective July 14, 1979. Amended: Filed Aug. 21, 1980, effective Dec. 15, 1980. Amended: Filed Feb. 26, 1991, effective Aug. 30, 1991. Rescinded and readopted: Filed Jan. 31, 1994, effective July 10, 1994. Amended: Filed Sept. 20, 2006, effective May 30, 2007. Moved to 5 CSR 20-100.110, effective Aug. 16, 2011. Amended: Filed Feb. 29, 2016, effective Oct. 30, 2016.*

**Original authority: 161.092, RSMo 1963, amended 1973, 2002, 2003, 2013, 2014; 162.675, RSMo 1973, amended 1974, 1977, 2002, 2005, 2007, 2008; and 162.720, RSMo 1973, amended 1974.*

5 CSR 20-100.120 Advanced Placement and International Baccalaureate Fee Payment Programs

(Rescinded June 30, 2019)

AUTHORITY: section 161.092, RSMo Supp. 2014, and section 178.430, RSMo 2000. This rule previously filed as 5 CSR 50-200.050. Emergency rule filed June 17, 1998, effective June 28, 1998, terminated July 24, 1998. Original rule filed June 17, 1998, effective Dec. 30, 1998. Moved to 5 CSR 20-100.120, effective Aug. 16, 2011. Amended: Filed Feb. 29, 2016, effective Oct. 30, 2016. Rescinded: Filed Nov. 5, 2018, effective June 30, 2019.

5 CSR 20-100.130 General Provisions Governing the Consolidated Grants Under the Improving America's Schools Act

PURPOSE: The Department of Elementary and Secondary Education (DESE) has the authority to receive and expend federal funds for educational programs and to establish rules and regulations for the administration of the programs in accordance with controlling federal statutes and regulations. This rule sets forth the general provisions governing programs operated by local educational agencies (LEAs) under Title I, Title II, Title IV, Title VI, and Migrant Education under the Improving America's Schools Act (IASA).

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

This rule incorporates by reference the regulations for the program as published in the state *Administrative Manual for the Consolidated Federal Programs*. This manual incorporates all federal regulations and statutory requirements.

AUTHORITY: section 178.430, RSMo 1994. This rule previously filed as 5 CSR 50-321.010. Original rule filed April 29, 1997, effective Nov. 30, 1997. Amended: April 21, 1999, effective Nov. 30, 1999. Moved to 5 CSR 20-100.130, effective Aug. 16, 2011.*

**Original authority 1963.*



5 CSR 20-100.140 General Provisions Governing the Consolidated Grants for the Federal and State Discretionary Programs

PURPOSE: The Department of Elementary and Secondary Education has the responsibility to disburse funds under a variety of discretionary programs. Funds support a variety of purposes including local reform, homeless children and youth, family literacy, language assistance, and immigrant children.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(1) The *Administrative Manual for Federal and State Discretionary Programs* is incorporated by reference and made a part of this rule.

AUTHORITY: section 178.480, RSMo 1994. This rule previously filed as 5 CSR 50-321.020. Original rule filed March 22, 1999, effective Sept. 30, 1999. Moved to 5 CSR 20-100.140, effective Aug. 16, 2011.*

**Original authority 178.480, RSMo 1963.*

5 CSR 20-100.160 Policies and Standards for Summer School Programs

PURPOSE: This rule establishes policies and standards for public school districts and charter schools which choose to conduct summer school programs that will qualify for state aid in accordance with Chapter 163, RSMo.

(1) Summer school programs, approved by the local board of education, may be held any time between the close of the regular school term and the beginning of the next regular school term. School districts with a “year-round” regular term schedule may conduct an approved component of summer school during the breaks in the regular term. A summer school program consists of a planned schedule of course offerings for Missouri domiciled students at the elementary or high school level. An approved summer school program for students without disabilities must be in session for at least one hundred twenty (120) clock hours. Summer school programs for

students with disabilities are to be aligned to the Individualized Education Program (IEP).

(2) A school board may authorize the operation of summer school programs at the elementary or high school level, or both. Minimum clock hours for programs are included in section (1). An elementary summer school program may include any combination of grades kindergarten through eight (K–8). A high school summer school program may include any combination of grades seven through twelve (7–12). A school district or charter school may operate one (1) or more summer school programs at any level. Minimum clock hours apply to each program. Schools may “stack” a variety of classes to meet the requirement of one hundred twenty (120) clock hours. Under the “stacking” method, typically sixty (60) hours of instruction are offered at the elementary level with sixty (60) hours of instruction offered at the secondary level for a combined total of one hundred twenty (120) clock hours. The clock hours of regular summer school classes may be combined with the clock hours of special education extended school year programs to reach the one hundred twenty (120) clock hour requirement. With the exception of special education programs, individual courses or segments consist of a minimum of thirty (30) hours. Minimum time requirements exclude break time and lunch time. School districts with “year-round” regular term schedules may include instructional hours offered in a structured summer school program held during breaks in the regular term.

(A) Title I summer school hours may not be used in the “stacking” method per federal law.

(3) The curriculum in an approved summer school program at any level includes one (1) or more of the following academic areas as the major portion of the clock hours of instruction in the program: elementary school—language arts, mathematics, science, social studies; and high school—language arts, mathematics, science, social studies, practical arts.

(A) Any course which may be offered in the regular school term may be approved for summer school with the exception of physical education hours that do not count as credit toward graduation for students in grades nine (9), ten (10), eleven (11) and twelve (12). Special approval must be requested for summer school courses that would require special approval during the regular term.

(B) Activities such as gymnastics, weight lifting, tennis, and swimming lessons conducted under the sponsorship of the school

cannot be included as part of the approved summer school program unless they are an integral part of a comprehensive physical education course which is part of the scheduled clock hours of instruction in the approved summer school program.

(C) Non-curricular programs such as camps and athletic practices may be offered but not included in clock hour requirements or for summer school membership and/or the associated attendance hours for state aid purposes.

(4) The attendance of resident students between the ages of six and twenty (6–20) in grades one through twelve (1–12) and students who are eligible to attend kindergarten the next fall (must be five (5) years old before the first day of August of the school year beginning in that calendar year) may be counted for summer school state aid purposes in accordance with Chapter 163, RSMo.

(5) Summer school teachers must have valid Missouri teacher certification.

(6) Summer school program applications and reports shall be submitted in a form and at a time as may be required by Department of Elementary and Secondary Education (DESE).

AUTHORITY: sections 161.092(2), 163.011, 163.031, 167.227, and 178.280, RSMo 2016, and section 163.021(2), RSMo Supp. 2018. This rule previously filed as 5 CSR 50-340.050. Original rule filed May 14, 1971, effective May 24, 1971. Rescinded and readopted: Filed Nov. 15, 1977, effective Feb. 15, 1978. Amended: Filed Aug. 12, 1983, effective Dec. 12, 1983. Amended: Filed May 11, 1995, effective Dec. 30, 1995. Amended: Filed Jan. 16, 2008, effective Aug. 30, 2008. Moved to 5 CSR 20-100.160, effective Aug. 16, 2011. Amended: Filed Sept. 20, 2018, effective May 30, 2019.*

**Original authority: 161.092(2), RSMo 1963, amended 1973, 2002, 2003, 2013, 2014; 163.011, RSMo 1963, amended, 1967, 1973, 1977, 1982, 1985, 1986, 1988, 1992, 1993, 1996, 1997, 1998, 1999, 2001, 2002, 2005, 2006, 2007, 2008, 2009, 2014, 2015, 2016; 163.021(2), RSMo 1963, amended 1973, 1982, 1983, 1984, 1988, 1992, 1993, 1996, 1997, 1998, 2005, 2006, 2015, 2018; 163.031, RSMo 1963, amended 1965, 1967, 1969, 1975, 1976, 1977, 1982, 1984, 1985, 1986, 1993, 1996, 1997, 1998, 2000, 2004, 2005, 2006, 2009, 2014, 2015, 2016; 167.227, RSMo 1990; and 178.280, RSMo 1963, amended 1973, 1977.*

5 CSR 20-100.170 Missouri School Improvement Program
(Rescinded June 30, 2014)



AUTHORITY: sections 161.092 and 168.081, RSMo Supp. 2003 and 162.081 and 167.131, RSMo 2000. This rule previously filed as 5 CSR 50-345.100. Original rule filed June 30, 2004, effective Jan. 30, 2005. Moved to 5 CSR 20-100.170, effective Aug. 16, 2011. Rescinded: Filed Oct. 29, 2013, effective June 30, 2014.

5 CSR 20-100.180 Waivers of Regulations (Rescinded August 30, 2016)

AUTHORITY: sections 160.518, 160.545 and 161.092, RSMo Supp. 2003 and 161.210 and 163.031, RSMo 2000. This rule previously filed as 5 CSR 50-345.200. Original rule filed June 30, 2004, effective Jan. 30, 2005. Moved to 5 CSR 20-100.180, effective Aug. 16, 2011. Rescinded: Filed Jan. 25, 2016, effective Aug. 30, 2016.

5 CSR 20-100.190 Graduation Requirements for Students in Public High Schools

PURPOSE: This rule establishes minimum graduation requirements for public schools.

(1) High School Graduation Requirements. Twenty-four (24) units of credit are required for graduation. The requirements are stated in terms of the number of units of credit that must be earned in each subject area:

Subject Area	Units of Credit
Communication Arts	4.0
Social Studies	3.0
Mathematics	3.0
Science	3.0
Fine Art	1.0
Practical Arts	1.0
Physical Education	1.0
Health Education	.5
Personal Finance	.5
Electives	7.0
Total Credits	24.0

(2) The minimum high school graduation requirements should focus on competencies and align with the Missouri Learning Standards. The Missouri Learning Standards are located on the Department of Elementary and Secondary Education (DESE) website.

(3) Local Board Policies. Local boards of education must adopt and disseminate written policies concerning graduation. The policies must clearly set forth all requirements and all

allowable variations. Local graduation policies must include at least the state minimum requirements and may exceed the state minimums by requiring more total units of credit, requiring more units within a particular subject, or establishing additional requirements.

(4) Accommodation of Students with Disabilities: Local school boards must establish policies and guidelines that ensure students with disabilities have the opportunity to earn credits toward graduation in a non-discriminatory environment.

(5) Variances and Substitutions. The state minimum graduation requirements cannot be applied with absolute uniformity in every case. Students' individual situations sometimes require consideration of variances and alternatives. If a local board chooses to allow these variances and alternatives, it must do so through officially adopted policies and procedures that will ensure fair and consistent application of its policies.

AUTHORITY: section 161.092, RSMo 2016.* This rule previously filed as 5 CSR 50-345.300. Original rule filed June 30, 2005, effective Jan. 30, 2006. Moved to 5 CSR 20-100.190, effective Aug. 16, 2011. Amended: Filed Nov. 15, 2018, effective June 30, 2019.

*Original authority: 161.092, RSMo 1963, amended 1973, 2002, 2003, 2013, 2014.

5 CSR 20-100.200 A+ Schools Program

PURPOSE: This rule establishes minimum requirements for the administration of the A+ Schools Program.

(1) The Department of Elementary and Secondary Education (department) Office of Quality Schools (QS) is authorized to establish procedures for the implementation of the A+ Schools Program including:

- (A) Public school district, charter school, and nonpublic school participation; and
- (B) Initial and continued designation as an A+ school.

(2) To participate in the A+ Schools Program, the chief administrator and school board of a public school district or charter school with secondary schools or a nonpublic secondary school must—

(A) Demonstrate a commitment to the established program goals. These goals are to ensure that all students:

- 1. Graduate from high school;
- 2. Complete a selection of high school studies that is challenging and has identified learning expectations; and

3. Proceed from high school graduation to a community college, postsecondary career-technical school, or high wage job with work place skill development opportunities;

(B) Provide assurance that the eligible secondary school will:

1. Establish measurable performance standards for the program;

2. Specify the knowledge, skills, and competencies in measurable terms, that students must demonstrate to successfully complete any individual course offered by the school, and any course of studies which will qualify students for graduation from the school;

3. Establish student performance standards, that lead to or qualify students for graduation, and meet or exceed the performance standards adopted by the State Board of Education (board);

4. Require rigorous coursework with standards of competency in basic academic subjects for students pursuing career-technical education or employment; and

5. Develop a partnership plan in cooperation and with the advice of local business persons, labor leaders, teachers, senior citizens, parents, and representatives of colleges and postsecondary career-technical schools, with the plan then approved by the local board of education. The plan shall specify:

A. A mechanism to receive updated information on an annual basis from those who developed the plan in order to best meet the goals of the program;

B. Procedures used in the school to identify students that may drop out of school and the intervention services to be used to meet the needs of such students;

C. Counseling and mentoring services provided to students who will enter the work force upon graduation from high school, address apprenticeship, and intern programs; and

D. Procedures for the recruitment of volunteers from the community to serve in the school;

(C) Designate a certificated employee to serve as the A+ Schools Program coordinator. Nonpublic schools will designate a qualified employee to serve as the A+ Schools Program coordinator.



(3) Public and nonpublic high schools may be designated by the board as A+ Schools when they demonstrate that they have:

(A) Made significant progress or attained the three (3) established program goals of the A+ Schools Program; and

(B) Met the established program requirements of the A+ Schools Program.

AUTHORITY: section 161.092, RSMo 2016, and section 160.545, RSMo Supp. 2018. This rule was previously filed as 5 CSR 60-120.060 and 5 CSR 50-350.040. Original rule filed Nov. 10, 1993, effective June 6, 1994. Changed to 5 CSR 50-350.040 and amended: Filed Sept. 27, 2000, effective May 30, 2001. Amended: Filed Feb. 28, 2003, effective Sept. 30, 2003. Amended: Filed Nov. 28, 2006, effective June 30, 2007. Moved to 5 CSR 20-100.200, effective Aug. 16, 2011. Amended: Filed Feb. 28, 2012, effective Sept. 30, 2012. Amended: Filed Sept. 20, 2018, effective May 30, 2019.*

**Original authority: 160.545, RSMo 1993, amended 2002, 2008, 2009, 2010 and 161.092, RSMo 1963, amended 1973, 2002, 2003.*

5 CSR 20-100.210 Persistently Dangerous Schools

PURPOSE: This rule will be used in Missouri to establish state compliance with the federal requirement set forth in the Every Student Succeeds Act of 2015, and to determine if any Missouri public elementary and secondary schools are “persistently dangerous.”

(1) The following definition(s) apply to this rule:

(A) Expulsions are defined as removal from school by local board action for an indefinite period of time unless the student is reinstated by the local board of education.

(B) A victim is a student who suffered a personal injury or injury to his or her property as a direct result of a violent criminal offense. The definition of victim does not include bystanders or witnesses to the act or friends or classmates of the victim unless they, too, suffered personal or property injury as a direct result of a violent criminal offense.

(2) A Missouri public elementary or secondary school is persistently dangerous if the following conditions exist:

(A) In each of three (3) consecutive years—

1. The school has a federal and/or state

gun-free schools violation; or

2. An “act of school violence” or “violent behavior” as set forth in section 160.261, RSMo is committed on school property which includes, but is not limited to, school buses or school activities; and

(B) In any two (2) years within the three- (3-) year period listed above, the school experienced expulsions by local board action, for drug, alcohol, weapons, or violence that exceed one (1) of the following rates:

1. More than five (5) expulsions per year for a school of less than two hundred fifty (250) students;

2. More than ten (10) expulsions per year for a school of more than two hundred fifty (250) students but less than one thousand (1,000) students; or

3. More than fifteen (15) expulsions per year for a school of more than one thousand (1,000) students.

(3) A student shall be allowed to attend a safe public school within the district, if that student is enrolled in a persistently dangerous school as defined above or becomes a victim of a violent criminal offense while on school property which includes, but is not limited to, school buses or school activities.

(4) For the purpose of determining a persistently dangerous school, at a minimum, shall be any offense that would require school administrators to, as soon as reasonably practical, notify the appropriate law enforcement agency. An “act of school violence” or “violent behavior” shall be reported by the school district to the Department of Elementary and Secondary Education (DESE) through Core Data.

AUTHORITY: sections 160.261, 161.092, and 167.171, RSMo 2016. This rule previously filed as 5 CSR 50-355.100. Original rule filed Jan. 14, 2003, effective Aug. 30, 2003. Moved to 5 CSR 20-100.210, effective Aug. 16, 2011. Amended: Filed June 29, 2017, effective Jan. 30, 2018.*

**Original authority: 160.261, RSMo 1985, amended 1987, 1995, 1996, 2000, 2001, 2004, 2008, 2010, 2011, 2012, 2013, 2014; 161.092, RSMo 1963, amended 1973, 2002, 2003, 2013, 2014; and 167.171, RSMo 1963, amended 1969, 1973, 1977, 1986, 1987, 1995, 1996, 1999, 2000, 2004, 2013, 2014.*

5 CSR 20-100.220 Internet Filtering

PURPOSE: This rule sets the Internet filtering standards for public schools.

PUBLISHER’S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency’s headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.

(1) This rule is designed to restrict minors from gaining access to inappropriate material on the Internet. Public school districts should review and comply with the standards set forth in the Federal Children’s Internet Protection Act (CIPA) and the Neighborhood Children’s Internet Protection Act (NCIPA) which are incorporated by reference and made a part of this rule.

AUTHORITY: sections 161.092 and 182.827, RSMo Supp. 2002. This rule previously filed as 5 CSR 50-380.020. Original rule filed Oct. 29, 2002, effective April 30, 2003. Moved to 5 CSR 20-100.220, effective Aug. 16, 2011.*

**Original authority: 161.092, RSMo 1963, amended 1973, 2002, 182.827, RSMo 2002.*

5 CSR 20-100.230 Virtual Instruction Program

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

(1) General information. Missouri Course Access and Virtual School Program (MOCAP) publishes a course catalog of MOCAP approved courses on its website for any kindergarten through grade twelve (K-12) students residing in Missouri. All MOCAP teachers are Missouri appropriately certified. All courses offered through MOCAP are aligned with Missouri Learning Standards.



(2) Access. School officials will advise students who are considering MOCAP courses about whether those courses are in the best educational interest of that child.

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

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

(4) General Requirements. 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 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 162.1250, RSMo, the department shall ensure that multiple content providers are allowed.

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

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

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

(A) Local Education Agencies will report MOCAP courses using the appropriate deliv-

ery 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.

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.*

**Original authority: 161.092, RSMo 1963, amended 1973, 2002, 2003, 2013, 2014 and 161.670, RSMo 2006.*

5 CSR 20-100.250 Charter Schools

PURPOSE: This rule establishes policies and procedures for the Missouri Department of Elementary and Secondary Education to evaluate charter sponsors relating to the standards for sponsorship, as authorized by section 160.400.14., RSMo Supp. 2011.

(1) Charter sponsorship and continued receipt of state funds to defray the expense of charter sponsorship shall be based on the determination that a charter sponsor remains in good standing with the sponsorship obligations outlined in sections 160.400 to 160.420, RSMo, and section 167.349, RSMo.

(2) In determining good standing under this section, the Department of Elementary and Secondary Education (department) shall evaluate charter sponsor policies and practices in the following areas:

- (A) Charter application approval;
- (B) Required charter agreement terms and content;
- (C) Sponsor performance evaluation and compliance monitoring; and
- (D) Charter renewal, intervention, and revocation decisions.

(3) The charter sponsor's approval process shall include an application that provides sufficient information for a rigorous evaluation

of the proposed charter and provides clear documentation of a quality education program; effective governance and management structures; and a sustainable operational plan.

(4) A charter approved by the charter sponsor shall include a description of the obligations and responsibilities of the charter school, as outlined in sections 160.400 to 160.420, RSMo, and section 167.349, RSMo, and provide for—

(A) An annual review of the charter school's compliance with statutory standards, including:

- 1. Participation in the statewide system of assessments, as designated by the State Board of Education (board) pursuant to section 160.518, RSMo;
- 2. Assurances for the completion and distribution of an annual report card as prescribed in section 160.522, RSMo;
- 3. The collection of baseline data during at least the first three (3) years of operation to determine the longitudinal success of the charter school;
- 4. A method to measure pupil progress toward the pupil academic standards adopted by the board pursuant to section 160.514, RSMo; and
- 5. Publication of each charter school's Annual Performance Report (APR);

(B) Procedures, consistent with the *Missouri Financial Accounting Manual*, for monitoring the financial accountability of the charter, which shall include:

- 1. An annual audit by a certified public accountant, published audit reports and annual financial reports as provided in Chapter 165, RSMo;
 - 2. Compliance with all federal audit requirements established for charter schools with local education agency status; and
 - 3. Compliance with the requirements of any audit by petition under section 29.230, RSMo, for a political subdivision of the state;
- (C) Pre-opening requirements for applications that require that charter schools meet all health, safety, and other legal requirements prior to opening; and
- (D) Procedures in place in the event of charter school closure, including:
- 1. The archival of student records;
 - 2. The archival of business operations records;
 - 3. Submission of final financial reports;



4. Resolution of any remaining financial obligations; and

5. The disposition of charter school assets.

(5) For charter schools that are recipients of a federal Charter School Program Grant, a determination that—

(A) Each authorized charter in the state operates under a legally binding charter or performance contract between itself and the school's authorized public chartering agency that describes the obligations and responsibilities of the school and the public chartering agency; conduct annual, timely, and independent audits of the school's financial statements that are filed with the sponsor; and demonstrate improved student academic achievement; and

(B) Sponsors use increases in student academic achievement for all groups of students, as described in section 1111(b)(2)(C)(v) of the Elementary and Secondary Education Act, as the most important factor when determining to renew or revoke a school's charter.

(6) Intervention, renewal, and revocation policies of the charter sponsor shall outline the conditions in which the charter sponsor may intervene in the operation of the charter school, along with actions and consequences that may ensue, and the conditions for renewal of the charter at the end of the term. These policies shall include the following minimum standards:

(A) Intervention policies during the charter term shall give schools clear, adequate, evidence-based, and timely notice of contract violations or performance deficiencies and shall mandate intervention based upon findings of the board of the following:

1. The charter school provides a high school program which fails to maintain a graduation rate of at least seventy percent (70%) in three (3) of the last four (4) school years;

2. The charter school's APR results are below that of the district in which the charter school is located for standards applicable to its building configuration three (3) of the last four (4) school years; or

3. The charter school is identified as a persistently lowest-achieving school by the department;

(B) Renewal process and decisions are based on the thorough analysis of a comprehensive body of objective evidence and shall consider if—

1. The charter school has maintained APR results that meet or exceed the district in which the charter school is located for standards applicable to its building configuration;

2. The charter school is organizationally and fiscally viable, determining at minimum that the school does not have—

A. A negative balance in its operating funds;

B. A combined balance of less than three percent (3%) of the amount expended for such funds during the previous fiscal year; or

C. Expenditure that exceeds receipts for the most recently completed fiscal year; and

3. The charter school has complied to the terms of the contract and applicable law; and

(C) Revocation during the charter term if—

1. There is clear evidence of underperformance as demonstrated in the charter school's APR in three (3) of the last four (4) school years; or

2. There is a violation of the law or the public trust that imperils students or public funds.

(7) The department shall provide to the sponsor the information submitted in the Annual Secretary of the Board Report (ASBR) to help identify charter schools in financial stress.

(A) The sponsor will notify the governing board of the charter school by November 1 of a charter school identified as financially stressed. The charter sponsor shall develop a budget and education plan.

(B) The budget and education plan, signed by the officers of the charter school as well as the sponsor, shall be submitted to the department within forty-five (45) calendar days of notification that the charter school has been identified as experiencing financial stress.

(C) Upon receipt, and review of any budget and education plan, the department may make suggestions to improve the plan.

(8) If the department determines that a sponsor is in material non-compliance with its sponsorship duties, the charter sponsor shall

be notified and be given reasonable time for remediation.

(9) If remediation does not address the compliance issues identified by the department, the Commissioner of Education or a designee shall conduct a public hearing, and thereafter, provide notice to the charter sponsor of corrective action that will be recommended to the board.

(A) Corrective action by the department may include:

1. Capping the number of charters that may be issued by the sponsor;

2. A moratorium on payment of state charter sponsorship funds; and/or

3. Suspension or revocation of the charter sponsorship authority.

(B) The charter sponsor may, within thirty (30) days of receipt of the notice of the commissioner's recommendation, provide a written statement and other documentation to show cause as to why that action should not be taken.

(C) Final determination of corrective action shall be determined by the board based upon a review of the documentation submitted by the department and the charter sponsor.

AUTHORITY: sections 160.400 and 161.092, RSMo Supp. 2011, and section 2(A) of Art. IX, Mo. Const. Original rule filed Jan. 24, 2012, effective Aug. 30, 2012.*

**Original authority: 160.400, RSMo 1998, amended 2005, 2009 and 161.092, RSMo 1963, amended 1973, 2002, 2003.*

5 CSR 20-100.255 Missouri School Improvement Program-5 Resource and Process Standards and Indicators

PURPOSE: This rule implements the Resource and Process Standards for Missouri public school districts and is designed to stimulate and promote continuous improvement and innovation within each school district.

(1) Pursuant to section 161.092, RSMo, this rule is to be effective two (2) years from the date of adoption of the proposed rule by the State Board of Education (board). The *Missouri School Improvement Program*



(MSIP)–5 Resource and Process Standards and Indicators, Appendix A, included herein, is comprised of qualitative standards for school districts.



APPENDIX A
Missouri School Improvement Program
MSIP-5 Resource and Process Standards and Indicators

RESOURCE STANDARDS FOR MISSOURI PUBLIC SCHOOL DISTRICTS

R-1—Elementary (typically self-contained)—Each elementary student receives regular instruction in English language arts, mathematics, science, social studies, comprehensive health, art, music, and physical education. In K-8 elementary schools, students will have access to a total of four (4) exploratory classes.

1. Each elementary student will receive regular instruction in English language arts, mathematics, science, social studies, comprehensive health, and career awareness education. Instruction in each of the core areas will reflect the current version of Missouri's academic standards.
2. Each elementary student will receive instruction in art, music, and physical education for a minimum of fifty (50) minutes in each area each week (twenty-five (25) minutes in each area for half-day kindergarten classes). These classes shall be taught by teachers with appropriate certification.
3. If the district is a K-7 or K-8 elementary district, the following must also be addressed:
 - a. Beginning no later than seventh grade, regular instruction in the *United States* and *Missouri Constitutions* and American History and Institutions will be provided (as required by section 170.011, RSMo).
 - b. Students in grades 7-8 will have access to a total of four (4) exploratory classes (e.g., speech, agriculture, family and consumer sciences, industrial technology, world languages, and computer literacy). Each class is taught for a minimum of one thousand two hundred (1,200) minutes each year.
4. Elementary school students shall have a minimum of one (1) recess period of twenty (20) minutes per day, which may be incorporated into the lunch period (as required by section 167.720, RSMo).
5. The school district ensures that students in elementary schools participate in moderate physical activity for the entire school year for an average of one hundred fifty (150) minutes per week, or thirty (30) minutes per day. Students with disabilities must participate to the extent appropriate (as required by section 167.720, RSMo).
6. School districts may offer virtual instruction (e.g., intranet and Internet methods) that may take place outside of the regular school district facility (as described by section 162.1250, RSMo).
7. School districts may offer department-approved gifted education services (as described by sections 167.675, RSMo, 162.720, RSMo, and 163.031.4(7)(c), RSMo).

R-2—Junior High/Middle School (typically departmentalized)—Each junior high/middle school student will receive regular instruction in English language arts, mathematics, science, social studies, career education, health, and physical education and will have access to art and music plus four (4) exploratory classes. Students in grades 7-8 will have regular instruction in *United States* and *Missouri Constitutions* and American History and Institutions.

1. English language arts, mathematics, science, and social studies are scheduled and taught to all students for at least nine hundred (900) minutes each week in the aggregate (or one thousand eight hundred (1,800) minutes every two (2) weeks).
2. Physical education is scheduled and taught to all students for a minimum of three thousand (3,000) minutes each year and comprehensive health and safety education is scheduled and taught to all students for a minimum of one thousand five hundred (1,500) minutes each year.
3. Art and music are scheduled and taught so that all students have access to each for a minimum of one thousand five hundred (1,500) minutes each year.
4. Students in grades 7-8 will have access to a total of four (4) exploratory classes (e.g., speech, agriculture, family and consumer sciences, industrial technology, world languages, and computer literacy). Each class is taught for a minimum of one thousand five hundred (1,500) minutes each year.
5. Beginning no later than seventh grade, regular instruction in the *United States* and *Missouri Constitutions* and American History and Institutions will be provided (as required by section 170.011, RSMo).
6. School districts may offer virtual instruction (e.g., intranet and Internet methods) that may take place outside of the regular school



district facility (as described by section 162.1250, RSMo).

- School districts may offer department-approved gifted education services (as described by sections 167.675, RSMo, 162.720, RSMo, and 163.031.4(7)(c), RSMo).

R-3—High School—Each high school provides all students in grades 9-12 sufficient access to content required to meet the minimum graduation credit requirements and meets the specific needs of students and communities. Content areas must include: English language arts, mathematics, science, department-approved career education (e.g., agriculture education), social studies, world languages, fine arts (art and music), physical education, health, practical arts, and personal finance, as appropriate for each high school.

- School districts may offer virtual instruction (e.g., intranet and Internet methods) that may take place outside of the regular school district facility (as described by section 162.1250, RSMo).
- Students will have access to postsecondary preparation (e.g., Advanced Courses, Advanced Placement, International Baccalaureate, Technical Skills Attainment, Dual Enrollment, and Dual Credit).
- School districts may offer department-approved gifted education services (as described by sections 167.675, RSMo, 162.720, RSMo, and 163.031.4(7)(c), RSMo).

R-4—Class Size and Assigned Enrollments—Enrollments will be consistent with both class-size and program standards and total enrollment requirements.

- Student enrollment in individual classes will be consistent with the following guidelines:

<i>GRADES</i>	<i>STANDARD</i>	<i>DESIRABLE STANDARD</i>
K-2	25	17
3-4	27	20
5-6	30	22
7-12	33	25

- Full-time elementary art, music, and physical education shall serve no more than seven hundred fifty (750) students per week.

Options:

- Student enrollment in a classroom may increase by as many as ten (10) students for any period that a paraprofessional assists the classroom teacher full time, or by as many as five (5) students when a paraprofessional assists the teacher half time. (Paraprofessionals paid for with Title I and special education funds cannot be used to increase class size. See the Consolidated Federal Programs Administrative Manual for guidelines on compliance and the use of paraprofessionals for Title I purposes).
- Elementary school classes may enroll students from two (2) consecutive grade levels. Total enrollment in such classes shall not exceed the class-size standards listed above for the lowest grade included in the combination.
- High schools can combine sections of a same subject in beginning and advanced levels (e.g., Spanish I and Spanish II or Spanish III and Spanish IV). Total combined enrollment in such classes shall not exceed twenty-five (25) students.
- Enrollment in performing arts classes may exceed regular class-size limits if adequate supervision and facilities are provided.
- High school physical education classes may enroll up to forty-five (45) students if appropriate supervision and facilities are provided.

R-5—Library Media Staff—Certificated librarians and/or library media specialists are assigned consistent with the following ratios, based on the student enrollment at each building.

<i>STANDARD</i>		<i>DESIRABLE STANDARD</i>	
<i>Students</i>	<i>FTE</i>	<i>Students</i>	<i>FTE</i>
1-200	.20	1-150	.20
201-400	.40	151-300	.40
401-600	.60	301-450	.60
601-800	.80	451-600	.80
801-1000	1.00	601-750	1.00
1001-1200	1.20	751-900	1.20
1201-1400	1.40	901-1050	1.40
1401-1600	1.60	1051-1200	1.60
1601-1800	1.80	1201-1350	1.80
1801-2000	2.00, etc.	1351-1500	2.00, etc.

R-6—Guidance and Counseling Staff—Certificated counselors are assigned consistent with the following ratios, based on the student enrollment at each building.

<i>STANDARD</i>		<i>DESIRABLE STANDARD</i>	
<u>Students</u>	<u>FTE</u>	<u>Students</u>	<u>FTE</u>
1-100	.20	1-50	.20
101-200	.40	51-100	.40
201-300	.60	101-150	.60
301-400	.80	151-200	.80
401-500	1.00	201-250	1.00
501-600	1.20	251-300	1.20
601-700	1.40	301-350	1.40
701-800	1.60	351-400	1.60
801-900	1.80	401-450	1.80
901-1000	2.00, etc.	451-500	2.00, etc.

R-7—Superintendent—A certificated superintendent is assigned to serve full-time as the district’s chief administrative officer.

Options:

1. For a period of one (1) year, any two (2) adjacent districts, that are classified “accredited,” may upon prior approval from the Department of Elementary and Secondary Education (department) share a superintendent who possesses a valid Missouri superintendent’s certificate. Any two (2) such districts which wish to share a superintendent for more than one (1) year shall obtain prior approval from the State Board of Education (board).
2. A superintendent of schools in a district which employs twenty-five (25) certificated Full Time Equivalent (FTE) or fewer must hold a valid Missouri superintendent’s certificate and may serve as the elementary or secondary principal, regardless of principal certification type.
3. Elementary districts (K-8) with over twenty-five (25) certificated FTE must employ a certificated superintendent as chief administrative officer. Elementary districts with twenty-five (25) certificated FTE or fewer may employ either a certificated superintendent or certificated elementary principal as chief administrative officer.

R-8—Associates/Assistants to the Superintendent—Associates/assistants to the superintendent in the areas of curriculum and instruction must have, as a minimum, a master’s degree and a valid Missouri teaching certificate. All other associates/assistants to the superintendent should have appropriate training in their field.

<i>STANDARD</i>	
<u>Certificated Staff Members (FTE)</u>	<u>Assistants to Superintendent (FTE)</u>
1-100	0
101-200	1
201-300	2
301-400	3
401-500	4
501-600	5
601-700	6
701-800, etc.	7, etc.

Assistant superintendents must have a master’s degree and a valid Missouri teaching certificate if their primary responsibilities involve curriculum and instruction. Other assistant superintendents should have training in their field (e.g., Masters in Business Administration might be appropriate for an assistant superintendent of finance). Please note that there is no reference to title in this requirement. Districts may elect to call these positions associate superintendents, deputy superintendents, assistant superintendents, assistants to the superintendent, coordinators, or directors.



R-9—Principals/Building Administrators—Certificated principals, career education directors, and assistant administrators are employed and assigned consistent with the MSIP-5 staff ratios.

<i>STANDARD</i>		<i>DESIRABLE STANDARD</i>	
<i>Students</i>	<i>FTE</i>	<i>Students</i>	<i>FTE</i>
1-400	1.00	1-300	1.00
401-600	1.50	301-450	1.50
601-800	2.00	451-600	2.00
801-1000	2.50	601-750	2.50
1001-1200	3.00	751-900	3.00
1201-1400	3.50	901-1050	3.50
1401-1600	4.00	1051-1200	4.00
1601-1800	4.50	1201-1350	4.50
1801-2000	5.00	1351-1500	5.00
2001-2200	5.50	1501-1650	5.50
2201-2400	6.00	1651-1800	6.00

R-10—Certification and Licensure—All personnel must hold a valid certificate or license appropriate for each assignment.

R-11—Planning Time—Each full-time classroom teacher, including kindergarten teachers, shall have a minimum of two hundred fifty (250) minutes of scheduled planning time each school week. It is desirable to have fifty (50) minutes of planning time each day. Planning time is calculated between the official start and close of the school day and does not include travel time, lunch time, or time before or after school. (Planning time is not required for administrators, counselors, or librarians.)

PROCESS STANDARDS FOR MISSOURI PUBLIC SCHOOL DISTRICTS

TEACHER/LEADER

TL-1—The district develops and implements teacher/leader standards designed to ensure effective instructional staff for all students.

1. The district adopts and implements an educator evaluation system that is aligned to the essential principles of effective evaluation, adopted by the state board of education, designed to ensure effective teachers and leaders.
2. The district develops and implements professional teacher standards as required by section 160.045, RSMo.
3. The district develops and implements professional leader standards.
4. Teachers and leaders apply professional judgment and use the teacher/leader standards developed by the district to inform and improve practice.

TL-2—Professional learning drives and supports instructional practices in the district and leads to improved student learning.

1. All staff participate in regularly scheduled, ongoing professional learning focused on student performance goals as outlined in the Comprehensive School Improvement Plan (CSIP).
2. Professional learning is an ongoing process that occurs in the context of all instructional staff positions and promotes the use of evidence-based instructional practices.
3. District leaders monitor teachers for consistent implementation of effective practices, as designed by routinely observing, monitoring, and supervising classroom instruction.
4. Effective practices are monitored for fidelity of implementation through observation and supervision of classroom practices.
5. The district regularly monitors instructional employees to determine whether professional learning is implemented in classroom instruction and demonstrates positive impact on student learning.
6. School-based collaborative teams are in place and focus on data informed decision-making, reflective practices, collaborative lesson design, examination of student work and student assessment, curriculum development, positive classroom learning environments, utilization of case studies, and action research.



7. The district has a written procedural plan for professional learning that includes the required components.
8. The district provides time and resources for the professional learning of each staff member.

INSTRUCTION**I-1—Instructional staff routinely provide effective instruction designed to meet the needs of all learners.**

1. Instructional staff routinely collaborate and use student data to provide appropriate interventions to address a range of student instructional and behavioral needs.
2. Instruction is routinely differentiated to address the needs of all students.
3. Instructional staff use evidence-based instructional practices to meet the learning needs of all students.
4. Comprehensive K-12 literacy instruction is provided. When Prekindergarten (PK) is offered by the district, comprehensive literacy instruction is provided.
5. All staff are an integral part of the instructional practices in every building.
6. All staff demonstrate effective use of available instructional time.
7. Instructional staff design and use appropriate, meaningful, and rigorous learning tasks for all students.
8. Building leaders demonstrate that supervision of instruction is a priority.
9. The district requires instructional staff to consistently utilize evidenced-based instructional practices as they were designed to be implemented and routinely monitors instructional staff for implementation of these practices.

I-2—Instructional staff use effective assessment practices to monitor student learning and adjust instruction.

1. Instructional staff use both formative and summative assessments to monitor student learning and adjust instruction.
2. Instructional staff regularly and systematically uses assessment results and other student work to make adjustments to curriculum, instruction, and intervention strategies to assist students in meeting state achievement standards.
3. Classroom assessments include the use of higher order thinking and problem-solving skills, as well as complex reasoning skills.
4. Timely, descriptive, and constructive feedback from assessments is provided to students and parents.

I-3—The district identifies and provides effective differentiated learning and behavioral support systems for all students.

1. A written process is in place for the early identification and implementation of differentiated learning and behavioral supports for all students.
2. Learning and behavioral supports are identified and coordinated at the classroom, building, and district level.
3. The district uses a variety of student and program data to monitor, evaluate, and inform decision-making to identify and implement successful learning and behavioral supports.
4. The district collaborates with community partners to provide information and resources to students and parents to address barriers impacting student success, including but not limited to academic, physical, and mental health needs.
5. The district requires instructional staff to consistently implement learning and behavior supports as they were designed. District leaders routinely monitor the implementation of these practices by instructional staff through observation and supervision of classroom instruction.

I-4—The district administers state-required tests and other assessments and uses disaggregated and longitudinal data to inform and adjust systems, curriculum, and instructional practices.

1. The district has a written assessment plan that includes the required components.
2. The district uses a variety of data (e.g., longitudinal, demographic, diagnostic, and perceptual) to support and inform district-wide decisions.
3. The local board of education annually reviews performance data disaggregated for any subgroup of five (5) or more students per assessment in order to effectively monitor student academic achievement and persistence to graduation rates.



4. The district uses disaggregated data to adjust instruction for subgroups and has criteria for evaluating the effectiveness of these adjustments.

I-5—The local board of education adopts and district staff implement, review, and revise a rigorous, guaranteed, and viable curriculum for all instructional courses and programs.

1. The district has a rigorous, written curriculum that includes the required components and is aligned to the most recent version of Missouri's academic standards and the English language development standards.
2. Essential content and skills that all students should know and be able to do have been identified.
3. Adequate instructional time is available to implement the written curriculum.
4. The written, taught, and assessed curriculum are the same.
5. Written procedures are in place and administrators ensure that the written curriculum is implemented and is a part of the district's program evaluation plan.
6. The district's written curriculum development and revision processes include K-12 vertical teams of instructional staff and administrators (including teachers of all student populations) who meet regularly to ensure articulation and vertical alignment. When Prekindergarten (PK) is offered by the district, instructional staff shall be included in the curriculum and development revision processes.

I-6—Guidance and counseling is an essential and fully integrated part of the instructional program.

1. A district-wide guidance and counseling program has been developed and is fully implemented in every building consistent with the Missouri Comprehensive Guidance and Counseling Program framework.
2. The K-12 guidance curriculum is in place, integrated into the regular curriculum where appropriate, and is regularly reviewed and revised as part of the district's evaluation plan.
3. All students, beginning no later than seventh grade, participate in an individual planning process designed to assist in a successful transition to college, technical school, the military, or the workforce.
4. All students have access to responsive services that assist them in addressing issues and concerns that may affect their academic, career, and personal/social needs.
5. System support and management activities are in place to ensure full implementation, evaluation, and continued improvement of the district's comprehensive guidance program.

I-7—The district establishes a culture focused on learning, characterized by high academic and behavioral expectations for all students.

1. A systemic process for establishing and maintaining a positive learning climate is evident in each building.
2. Responsibility for the success of all students is evident in the shared mission and vision of the district.
3. Staff, administrators, and students all share in the accountability for academic achievement by being actively engaged in learning and demonstrating appropriate standards of behavior.
4. Curricular choices and course offerings reflect an increasing and ongoing dedication toward future success of all students.
5. A well-balanced, comprehensive co-curricular and extracurricular activities program is in place and aligned to the mission and vision of the district.

I-8—The district provides a safe and orderly environment for all students and staff.

1. Students and staff indicate that they feel safe at school.
2. The district provides staff, teachers, parents, and students access to the district's written code of conduct, which specifies unacceptable student behavior and consequences for that behavior. The code of conduct is enforced during school, on school property, on district-provided transportation, and during school-sponsored events, regardless of whether the events occur on or off of school property.
3. Standards of conduct are consistently and equitably enforced by all staff.
4. Violence-prevention instruction, including information on preventing and responding to illegal harassment and bullying, has been provided for all students and staff.



5. Data are gathered on student violence, substance abuse, and bullying and are used to modify programs and strategies to ensure safe and orderly schools.
6. Written procedures are in place to proactively identify and prevent potential disruptions to a safe and orderly school climate.

I-9—High quality, fully integrated career education is available to all secondary students.

1. The district has implemented programs of study for each department-approved career education program offered which sequences academics and career education content, leading students to attain a postsecondary degree, an industry-recognized certificate or credential, or entry into the workplace with a skill set conducive toward career advancement.
2. The career education program has a written curriculum for each course with a balance among classroom/laboratory instruction, leadership, and personal learning.
3. Written curriculum drives classroom instruction and assessment of technical skill attainment.
4. The appropriate Career and Technical Student Organization (CTSO) is affiliated with the state and national organization and is an intra-curricular element of the program.
5. A system of data collection and evaluation provides the information necessary for program review and development so that students are prepared for postsecondary success leading to quality employment opportunities.

I-10—Library Media Centers (LMC) are an essential and fully integrated part of the instructional program.

1. The library media center and its resources support, enhance, and enrich the curriculum.
2. The library media staff collaborate with instructional staff to integrate LMC resources and services into the instructional program.
3. Students have access to a full range of information, digital access, and reading resources and services in the LMC.
4. The LMC program is evaluated annually.

I-11—The district advances excellence in teaching and learning through innovative and effective uses of technology.

1. The district has a systemic plan aligned with a shared vision for school effectiveness and student learning through the infusion of information and communication technology (ICT) and digital learning resources.
2. The district provides consistent, adequate, and ongoing support of technology infrastructure, personnel, and digital resources.
3. The district provides equitable and reliable access to current and emerging technologies and digital resources, with connectivity for all students, teachers, staff, and school leaders.
4. The district provides access to ongoing professional learning in technology and opportunities for dedicated time to practice and share ideas.
5. The district evaluates the impact of information and communication technology on teaching and learning.
6. The district maintains technology that supports current assessment practices.

GOVERNANCE

G-1—The local board of education, district leadership, and staff contribute to the success of every student by being ethical and acting with fairness and integrity.

1. The local board of education has adopted and the district leadership enforces a professional code of ethics for all employees.
2. The local board of education has adopted and adheres to its own code of ethics.
3. District policies, procedures, and practices demonstrate respect for students, employees, and others.

G-2—The local board of education adopts and district leadership implements a Comprehensive School Improvement Plan (CSIP) to ensure the achievement and success of all students.

1. The local board of education and district leadership, in collaboration with the community, use qualitative data, quantitative data, and evaluation results to create a written, board-approved CSIP which drives improvement in student learning and guides the overall improvement of its educational programs and services.
2. The school district maintains a current CSIP that includes all of the required components.



3. There is a written evaluation process for the CSIP and the CSIP is regularly evaluated and updated.
4. The local board of education utilizes the CSIP to monitor progress and continuous improvement of programs and services.

G-3—The local board of education and district leadership collect qualitative and/or quantitative data to guide and monitor the development and implementation of a shared mission and vision with systemic goals that ensure high expectations for every student.

1. The local board of education and district leadership, with input from all stakeholders, guide the development of a district-wide, learning-focused mission and vision that are reviewed annually and revised as needed.
2. The local board of education and district leadership hold all staff accountable for continuous school improvement and increased student learning.

G-4—The local board of education and district leadership promote the achievement and success of all students by monitoring and continuously improving all programs and services that support the mission and vision of the district.

1. The board of education regularly reviews, no less than once every two (2) years, the goals, objectives, and effectiveness of all programs and services that support the mission and vision of the district based on data provided by district leadership.
2. The local board of education adopts and the district implements an evaluation plan that analyzes the effectiveness of all programs and services.
3. The district collects perceptual data from students and uses that information to make informed decisions about its programs and services.
4. Patrons, parents, staff, and students have opportunities to serve on committees, including those required by state or federal regulations, to study specific issues and provide feedback on district programs and services.
5. The district reviews and analyzes postsecondary success rates to make informed decisions.

G-5—The district complies with all provisions, regulations, and administrative rules applicable to each state and/or federal program implemented.

G-6—The local board of education and district leadership facilitate collaboration with state and local agencies, non-profit organizations, and other community groups that promote the success, health, safety, and welfare of students.

1. The district identifies programs that promote equitable learning opportunities and success for all students, regardless of socio-economic background, ethnicity, gender, disability, or other individual characteristics.
2. The district collaborates with community leaders to collect, describe, and analyze data on economic, social, and other emerging issues that impact district and school planning, programs, and organization.
3. The district collects and accurately communicates data about educational performance in a clear and timely way to improve policies and inform community decisions.
4. District leadership implements processes to facilitate regular collaboration with other agencies/organizations to respond to student needs in a timely manner.

G-7—The local board of education understands the role and responsibilities of the local board and acts accordingly.

1. Policymaking functions are carried out by the local board of education, while administrative functions are carried out by the superintendent and the staff. All formal contact between the local board of education and the staff is channeled through the superintendent.
2. The local board of education has established policies and written procedures are in place to guide district decision-making and to meet federal and/or state requirements. Policies and procedures are reviewed on a regular basis and reflect current legal requirements.
3. The local board of education meets regularly in accordance with applicable statutes, keeps accurate and complete records of its decisions, and makes the records available as required by law.
4. Members of the local board of education receive training as required by law.
5. Local board of education members participate in continued training and professional learning.



G-8—The local board of education and district leadership manage organizational systems and resources for a safe, high-performing learning environment.

1. The local board of education and the district leadership regularly communicate with district employees and the community regarding the district's vision and mission.
2. District staff use documented evidence (e.g., observations, walkthroughs, collaborative teams, and mentoring) to develop professional growth plans.
3. The community, through the local board of education, provides sufficient financial resources to ensure an educational program of quality.
4. The local board of education has adopted and enforces policies requiring effective fiscal management and accountability and the district leadership implements procedures to support the board's policies.
5. The local board of education and district leadership employ appropriate procedures to ensure the accurate and timely reporting of required data to state and federal agencies.
6. The local board of education and district leadership provide facilities that are healthful, adequate in size, clean, well-maintained, and appropriate to house the educational programs of the district.
7. The local board of education and district leadership ensure all facilities are safe.
8. The district leadership has developed and implemented a coordinated approach to school health services.
9. The district ensures a school nutrition program is available which provides at least one (1) nutritionally balanced meal available to all students each day in accordance with Federal and State Child Nutrition Program regulations and guidelines.
10. The district ensures safe and efficient transportation to and from school is provided in compliance with Missouri statutes, regulations, and local board of education policy.

G-9—The local board of education, district leadership, and staff collaborate with families and community members who represent diverse interests and needs to mobilize community resources that improve teaching and learning.

1. The local board of education, district leadership, and staff systematically and frequently provide information to the public about school programs.
2. The district has procedures to involve family and community members in educational activities.
3. District leadership identifies preschool opportunities available to children and informs family and community members about the importance of early childhood education.

G-10—The district's birth through prekindergarten population will have access to high-quality early learning experiences that will prepare them to succeed in school.

G-11—The district provides opportunities for parents/guardians to learn about the intellectual and developmental needs of their children at all ages and to participate constructively in their children's education.

1. Parent education activities are provided as required by the Early Childhood Development Act (ECDA).
2. The district actively cooperates with other agencies and parent and community groups (e.g., parent teacher organizations and Title I) to provide information related to child development and/or parenting skills.
3. Formal strategies are in place to include parents/guardians in the educational process.



AUTHORITY: sections 160.514, 160.526, and 167.131, RSMo 2000, and sections 160.518, 161.092, 162.081, and 168.081, RSMo Supp. 2012. Original rule filed Sept. 20, 2012, effective Jan. 22, 2015.*

**Original authority: 160.514, RSMo 1993; 160.518, RSMo 1993, amended 2001, 2002, 2004, 2008; 160.526, RSMo 1993, amended 1998; 161.092, RSMo 1963, amended 1973, 2002, 2003; 162.081, RSMo 1963, amended 1973, 1992, 1993, 1998, 2005; 167.131, RSMo 1963, amended 1973, 1993; and 168.081, RSMo 1963, amended 1984, 2002.*

5 CSR 20-100.260 Standards for Charter Sponsorship

PURPOSE: This rule establishes the standards and indicators for charter sponsorship as required by the Missouri Department of Elementary and Secondary Education. These standards serve as the foundation for the sponsor application process as required by section 160.403, RSMo, and the evaluation process for sponsors required in section 160.400.17(1), RSMo.

(1) Standard 1—Sponsor Commitment and Capacity. The sponsor believes that chartering is a means to provide children with access to quality public schools that meet identified needs. The sponsor creates organizational systems and structures to fulfill its sponsorship duties and commits human and financial resources necessary to conduct its sponsoring duties effectively and efficiently. The sponsor shall—

(A) Ensure that all sponsorship staff and members of the sponsor's decision-making body understand and are committed to supporting and advancing the purposes of Missouri's charter school law and quality sponsorship practices;

(B) Engage in the sponsorship of charter schools according to the provisions and stipulations of section 160.400.2-5, RSMo, which address the types of entities that may sponsor charter schools and under what conditions;

(C) Employ, contract for, or otherwise provide personnel at a staffing level appropriate and sufficient to carry out its sponsorship duties, which require expertise that includes, but is not limited to, education leadership, curriculum, instruction, assessment, special education, federal programs, performance accountability, data analysis, law, finance, and nonprofit governance;

(D) Provide or provide access to professional development opportunities for staff to achieve and maintain high standards of professional sponsoring practice and to promote continuous improvement;

(E) Retain records showing that all individuals conducting sponsorship work, including any individual who has contact with students, complete a criminal background check and Missouri's Family Care Safety Registry (FCSR) check as outlined in section 168.133.1, RSMo;

(F) Ensure that sponsor staff and members of the sponsor's decision-making body comply with the charter school office's or the sponsor's conflict of interest policy with respect to the charter schools it sponsors;

(G) Regularly evaluate its work against Missouri's charter school law and these standards, and develop and implement timely plans for improvement when it falls short;

(H) Provide an annual report to the joint committee on education, as outlined in section 160.400.12, RSMo, that includes sufficient data and information to demonstrate that the sponsor is in material compliance with sections 160.400 to 160.425, RSMo, and section 167.349, RSMo; and

(I) Annually submit, on the form provided by the Department of Elementary and Secondary Education (department), documentation showing that ninety percent (90%) of state funds expended during said fiscal year, are expended for sponsoring in support of the sponsor's charter school sponsorship program or as a direct investment in the sponsored schools, in accordance with section 160.400.11, RSMo.

(2) Standard 2—Application Process and Decision Making. The sponsor implements a comprehensive application process that includes clear application materials and guidance; follows fair, transparent procedures, timelines, and rigorous evaluation criteria; and approves only those charter applications that demonstrate a strong capacity to establish and operate quality charter schools. The sponsor shall—

(A) Implement a thorough charter application process as outlined in section 160.400.11(2), RSMo, and according to the timeline outlined in section 160.405.2(1)-(4), RSMo, without requiring any fee from the applicant in accordance with section 160.400.6, RSMo;

(B) Develop and make readily available a charter application that—

1. Includes comprehensive questions to elicit the information needed for a rigorous evaluation of the applicant's plans and capacity in accordance with the requirements stated in section 160.405.1(1)-(17), RSMo;

2. Clearly articulates any chartering priorities the sponsor may have established, including the priority to serve high-risk students in accordance with section

160.405.2(5), RSMo; and

3. Includes clear criteria for the evaluation of charter applications;

(C) Differentiate or supplement application requirements and corresponding evaluation criteria for applicants who currently oversee or manage charter schools in Missouri or other states;

(D) For applicants that are existing school operators, ensure that the application requires—

1. Specific information about the existing operator's prior academic achievement, particularly if the applicant has operated or is operating schools in Missouri, and successful management of nonacademic school functions, including financial and organizational performance, in accordance with section 160.415.7, RSMo;

2. An explanation of any never-opened, terminated, or non-renewed charter schools (including terminated or non-renewed third-party contracts to operate charter schools) within the last five (5) years and other such requirements as outlined in section 160.415.7, RSMo;

3. A description of the existing school operator's proposed growth plan; and

4. The operator's most recent financial audits;

(E) For applicants that intend to contract with an education service provider for substantial educational or charter school management services, ensure that the application requires—

1. A draft of the proposed management services agreement that sets forth proposed key terms, including roles and responsibilities of the charter school governing board, the charter school staff, and the service provider; the services to be provided; the measures by which the charter school governing board will evaluate the service provider; a detailed explanation of compensation to be paid to the service provider; financial controls and oversight; methods of contract oversight and enforcement; and conditions for contract renewal and termination; and

2. A disclosure and explanation of any existing or potential conflicts of interest between the charter school governing board and proposed service provider or any affiliated business entities;

(F) Engage teams of qualified application evaluators with relevant educational, organizational (governance and management), financial, and legal expertise to review and evaluate the charter application according to the established evaluation criteria;

(G) Provide orientation or training to application evaluators to ensure consistency in the application of the approval criteria;



(H) Conduct an in-person interview with each qualified applicant to examine the applicant's experience and capacity, and conduct due diligence to examine the applicant's experience, capacity, and track record of performance;

(I) Advise charter applicants of the meaning of local education agency (LEA) status as it concerns the operation of the charter school as outlined in section 160.415.4, RSMo;

(J) Grant charters only to applicants that have demonstrated competence and capacity to succeed in all aspects of the school, with particular consideration to any available information about schools previously operated in Missouri, if applicable, and consistent with the published application evaluation criteria, in accordance with sections 160.400.11(2) and 160.405.2(2), RSMo;

(K) Promptly notify applicants of approval or denial and, if the charter is denied, notify the applicant in writing explaining the factors that determined the decision in accordance with section 160.405.2(3), RSMo; and

(L) Submit an electronic copy of each approved charter, accompanied by a statement finding that the application meets the statutory requirements and the monitoring plan under which the sponsor will evaluate the academic performance of the charter school, to the department for review by November 10th (or the next business day if November 10th falls on a Saturday or Sunday) of the year prior to the proposed opening date of the charter school as outlined in and in accordance with section 160.405.3, RSMo.

(3) Standard 3—Charter Contract. Charter contract is defined as a document, executed by the sponsor and the school, which is separate from the charter application that clearly articulates the rights and responsibilities of each party regarding charter school autonomy, expected outcomes, measures for evaluating success or failure, performance consequences based on the annual performance report, and other material terms. In accordance with section 160.400.11(3), RSMo, the sponsor executes a charter contract with each charter school that articulates the rights and responsibilities of each party regarding: school autonomy, funding, administration and oversight, outcomes, the measures for evaluating success or failure, performance consequences, and other material terms. The sponsor shall—

(A) Execute a charter contract with each approved charter school, which must be organized as a Missouri nonprofit corporation, for an initial term of five (5) years, which may be renewed, in accordance with section

160.405.1(9), RSMo. The charter contract shall define—

1. The standards for intervention, probation, renewal, non-renewal, and revocation while also establishing the consequences for not meeting those standards, in accordance with sections 160.405.8 and 160.405.9(2)–(3) RSMo;

2. A set of reasonable pre-opening requirements or conditions for a new charter school to open to ensure that it meets all health, safety, and other legal requirements prior to opening; and

3. A process that charter schools and sponsors must follow, in accordance with section 160.405.6, RSMo, to amend charter contracts and the types of material modifications that require sponsor approval. The sponsor shall submit any such approved amendments to the department within thirty (30) days of approval;

(B) Include in said charter contract or incorporate by reference clearly defined performance expectations for the term of the contract, the sources of data to evaluate charter school performance against these expectations, and the targets that the charter school must meet to earn renewal in the following areas:

1. Pupil academic standards for all students and significant student subgroups within each charter school, aligned to standards adopted by the State Board of Education, as outlined in and in accordance with sections 160.405.1(7), 160.405.4(6), and 160.405.9(2)(a), RSMo;

2. Financial performance expectations, which measure both near-term and long-term financial health, including, but not limited to, those outlined in section 160.405.9(2)(b), RSMo; and

3. Organizational performance expectations, including, but not limited to, compliance with all governance-related laws, the fulfillment of all state and federal requirements regarding fair and appropriate service to students with disabilities, and the maintenance of a safe and operationally sound facility, as outlined in sections 160.405.4 and 160.405.11–14, RSMo;

(C) If a charter school is planning to contract with an education service provider for substantial educational or school management services, ensure that the charter contract clearly establishes the primacy of the charter contract over the management services contract; and

(D) To the extent the sponsor, outside of the charter school office, is providing any fee-based services to its charter schools, clearly state in writing, in the charter contract or elsewhere, that such services are not, nor ever

will be, a condition of sponsorship.

(4) Standard 4—Ongoing Oversight and Evaluation. The sponsor conducts charter school oversight that evaluates charter school performance; monitors charter school compliance with both federal and state statutes and regulations; ensures charter school autonomy; protects student rights; informs charter school intervention, probation, revocation, and renewal decisions; and provides annual public reports on charter school performance. The sponsor shall—

(A) Implement a comprehensive performance accountability and compliance monitoring system that—

1. Is defined in the charter contract;

2. Provides the sponsor with the information necessary to make thorough and evidence-based intervention, probation, renewal, non-renewal, and revocation decisions; and

3. Effectively streamlines federal, state, and local performance expectations and compliance requirements while protecting charter school autonomy and minimizing charter school administrative and reporting burdens;

(B) Define and communicate this performance accountability and compliance monitoring system to charter schools, including the process, methods, and timing of gathering and reporting charter school performance and compliance data;

(C) Visit each charter school as appropriate and necessary for collecting data that cannot otherwise be obtained and in accordance with the contract, while ensuring that the frequency, purposes, and methods of such visits respect charter school autonomy and avoids operational interference;

(D) Communicate regularly with charter schools, as needed, including both school leaders and governing boards, and provide timely notice of contract violations, performance deficiencies, and mandated interventions, including probationary status, as outlined in section 160.405.8, RSMo;

(E) In accordance with section 160.405.7, RSMo, evaluate and publish on the sponsor's website an annual performance report for each charter school, which shall include an analysis of each charter school's performance and progress toward meeting the expectations and targets stated in the charter contract, including subgroup performance and essential compliance requirements, and clearly communicate evaluation results to the charter school's governing board and leadership;

(F) Refrain from directing charter school decisions or choices that are appropriately within a school's purview under the charter law or contract;



(G) Monitor compliance with all state and federal requirements and guidelines regarding services to students, including, but not limited to, special education; all title programs; career and technical education; food service; and services for foster, homeless, immigrant, and English language learner students;

(H) Monitor compliance with specific state public education requirements that apply to charter schools, including, but not limited to—

1. Requirements relating to student discipline as outlined in sections 160.261, 167.161, 167.164, and 167.171, RSMo;

2. Notification of criminal conduct to law enforcement authorities as outlined in sections 167.115-117, RSMo;

3. Academic assessment of pupils, including that all eligible students participate in the Missouri Assessment Program (MAP), as outlined in section 160.518, RSMo;

4. Transmittal of charter school records to a requesting school official as outlined in section 167.020, RSMo;

5. Provision of the minimum amount of school time required as outlined in section 171.031, RSMo;

6. For charter school employees and board members, timely completion of criminal history background checks and the family care safety registry checks as outlined in section 168.133, RSMo;

7. Maintenance of policies consistent with the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act (HIPAA) guidelines to the extent they are applicable;

8. Certification of staff and participation in the appropriate employee retirement system as outlined in section 160.420, RSMo; and

9. Provision of education and services to students with disabilities, as outlined in sections 162.670 and 162.710, RSMo, the Individuals with Disabilities Education Act (20 U.S.C. Section 1400) and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Section 794) or successor legislation;

(I) Verify that charter schools admit students through a non-discriminatory process that grants admission to resident and non-resident students eligible to attend through an urban voluntary transfer program or from an unaccredited school district, as outlined in sections 160.410.1 and 160.410.3, RSMo;

(J) Monitor the admission process of any charter school where capacity is insufficient to enroll all students who submit a timely application, to ensure that the process complies with the terms outlined in section

160.410.2, RSMo;

(K) Monitor the charter school board's compliance with various governance-related laws, including, but not limited to—

1. Retention of necessary board records as required by the general record retention schedule and the public school record retention schedule as outlined in section 109.255, RSMo;

2. Submission of financial interest statements annually as outlined in sections 105.483, 105.485, and 105.492, RSMo;

3. Maintenance of conflict of interest policies and procedures to address prohibited conflicts as outlined in section 160.400.15, RSMo;

4. Maintenance of a policy to promptly address parent or guardian grievances, as outlined in section 160.405.1(13), RSMo; and

5. Conduct of board and committee business in a manner outlined in the Missouri Sunshine Laws, sections 610.010-610.030, RSMo; and

(L) Ensure that charter school board members are aware of and have access to professional development or training opportunities to perform and fulfill the duties of a charter school board member.

(5) Standard 5—Fiscal Oversight. The sponsor monitors the charter school's financial performance and compliance with fiduciary provisions in statute. The sponsor shall—

(A) Collect and review annual financial audits of charter schools, conducted by a qualified independent auditor as outlined in section 160.405.4(4), and verify that the annual audit summary is published as outlined in section 165.121.5, RSMo;

(B) Monitor that charter schools' utilization of the coding procedures prescribed in the Missouri Financial Accounting Manual as outlined in section 160.405.1(10), RSMo;

(C) Monitor that the charter's governing board has adopted adequate financial controls to assure that revenues received for operation of the charter school are expended for expenses related to the operation of the charter school, including, but not limited to—

1. Procedures for the charter board to review the monthly check register, as needed, and clarify what level of expenditure necessitates board review and signature on a specific check;

2. Establishment of a bank account, in which state funds are deposited, that is under the control of the charter board; and

3. If the charter contracts with an education service provider for substantial educational or school management services, establishment of a process to ensure that payments to the service provider receive prior approval

of the governing board or its designee, as outlined in section 160.415.7(6), RSMo;

(D) Evaluate each charter school's financial performance against the expectations and targets stated in the charter contract and, by October 1st of each year, identify any charter schools that are financially stressed, as outlined in section 160.417.1, RSMo, and as defined by section 160.417.2, RSMo;

(E) By November 1st of each year, notify the governing board of any charter school that is identified as financially stressed, and review and approve a budget and education plan developed by the charter school, within forty-five (45) calendar days of such notification, on forms provided by the sponsor. In addition to the requirements outlined in section 160.417.3, RSMo, the budget and education plan must clearly outline the basis for such identification, the steps the charter school will take to remedy the financial stress, responsible individuals, corresponding deadlines and timeframes, the outcomes that the charter school must achieve to exit this designation, and the steps that the sponsor may take, including revocation, if the charter school does not appropriately remedy the financial stress by March 1st of the current school year. The sponsor may also place any school identified as financially stressed on probation in accordance with section 160.405.8, RSMo. The department may withhold any payment of financial aid due to the charter school until the charter school and sponsor have fully complied with this requirement, as outlined in section 160.417.5, RSMo;

(F) To the extent necessary, cooperate with the department in its monitoring of charter schools' fiscal management of federal grant programs, and consider any findings by the department with respect to said fiscal management in sponsor's decision making; and

(G) Ensure that charter schools submit the Annual Secretary of the Board Report (ASBR) and an annual independent financial audit to the department in the timeframe outlined by Missouri statute and verify that no conflict of interest exists between the financial auditor and the person or persons who prepared the ASBR as outlined in 160.417 and 162.821, RSMo.

(6) Standard 6—Renewal, Replication, Expansion, Revocation, and Closure Decision Making. The sponsor implements a transparent and rigorous process that uses comprehensive academic, financial, and organizational performance data to make decisions about renewal, replication, expansion, revocation, and closure. The sponsor shall—



(A) Base the renewal process and renewal decisions on thorough analyses of a comprehensive body of objective evidence defined by the charter contract consistent with section 160.405.9(2)–(3), RSMo;

(B) Provide each charter school, in advance of the renewal decision, a cumulative performance report that summarizes the charter school's performance record over the charter term in accordance with the performance expectations set forth in the charter contract, and states the sponsor's summative findings concerning charter school performance and its prospects for renewal;

(C) Grant renewal to charter schools that have achieved the performance expectations and corresponding targets stated in the charter contract, are organizationally and fiscally viable, and have been diligent to the terms of the contract and applicable law, consistent with sections 160.400.11(5) and 160.405.9(2)–(3), RSMo;

(D) To the extent the charter school qualifies for an expedited renewal process, as defined by section 160.405.9(2)(d), the sponsor shall implement a streamlined renewal process, which decreases the burden on the charter school (i.e., fewer application requirements, a more targeted document request, or a shorter renewal site visit) and the amount of time between submission of the renewal application and the sponsor's decision;

(E) Promptly notify in writing each charter school of the sponsor's renewal or non-renewal decision, including explanation of the reasons for the decision;

(F) In accordance with section 160.408, RSMo, provide "high-quality charter schools," as defined by section 160.408, RSMo, with opportunities for expedited replication and expansion;

(G) Base decisions to approve additional charter school sites or to expand grade levels on thorough analyses of a comprehensive body of objective evidence defined by the charter contract;

(H) Revoke a charter during the charter term if there is clear evidence of underperformance or violation of law or the public trust that imperils students or public funds as outlined in section 160.405.8, RSMo;

(I) In the event of a revocation, provide charter schools written notice at least sixty (60) days prior to revoking the charter, as outlined in section 160.405.8(3), RSMo, and establish clear procedures to conduct an administrative hearing regarding the potential charter revocation, as outlined in section 160.405.8(4), RSMo; and

(J) Maintain and implement a clear charter school closure process, including, but not

limited to, clear procedures to ensure orderly transition of student records, archival of business operation, transfer of personnel records, submission of financial reports, resolution of financial obligations, disposition of charter school assets, and a notification plan to inform parents or guardians, among other stakeholders, of the closure action within thirty (30) days of the decision to close, as outlined in section 160.405.1(15), RSMo.

AUTHORITY: sections 160.400–160.425, RSMo 2016 and RSMo Supp. 2018, and section 161.092, RSMo 2016. Original rule filed Dec. 3, 2012, effective June 30, 2013. Amended: Filed Dec. 8, 2016, effective July 30, 2017. Amended: Filed Nov. 29, 2018, effective June 30, 2019.*

**Original authority: 160.400, RSMo 1998, amended 2005, 2009, 2012, 2016; 160.403, RSMo 2012, amended 2016; 160.405, RSMo 1998, amended 2005, 2009, 2012, 2016; 160.408, RSMo 2016; 160.410, RSMo 1998, amended 2005, 2009, 2012, 2016, 2018; 160.415, RSMo 1998, amended 1999, 2005, 2012, 2016; 160.417, RSMo 2012, amended 2016; 160.420, RSMo 1998, amended 2001, 2005, 2012; 160.425, RSMo 2012; and 161.092, RSMo 1963, amended 1973, 2002, 2003, 2013, 2014.*

5 CSR 20-100.265 Charter School Closure

PURPOSE: This rule establishes processes and procedures for charter school sponsors to close a charter school as required by the Missouri Department of Elementary and Secondary Education. These processes and procedures serve as a foundation for closures as authorized by sections 160.400.16(6) and 160.405.15, RSMo Supp. 2013.

(1) Communication. The charter school sponsor (sponsor) will closely monitor the charter school's clear, adequate, and timely communication with parents, school staff, the community, and all stakeholder groups regarding the closing of a charter school to ensure that students, families, staff, and community have the support needed for student transfer/transition.

(2) Student Records. The sponsor will closely monitor the charter school's transfer of all student records in accordance with privacy rules set forth in the Family Educational Rights and Privacy Act (FERPA) and any applicable state record retention schedules/policies/laws, including, but not limited to:

(A) Conducting a review to determine that all student records are complete and located in a secure location;

(B) Compiling student records into a format that is electronically transferable;

(C) Providing staff for purposes of transferring student records to other schools as the charter school closes; and

(D) Transferring, in a timely manner, all

student-related records for retention and historical accessibility to the local school district as required under the Public School Records Retention Schedule (PSRRS) (section 109.255, RSMo 2000).

(3) Business and Personnel Records. The sponsor shall coordinate efforts regarding all personnel, governance, and financial records that are retained according to the PSRRS.

(4) Submission of Final Data and Reports. The sponsor shall coordinate efforts for the completion of all data and reporting for the closing charter school, including, but not limited to:

(A) Annual Secretary of the Board Report (ASBR) by August 15 of the year of closing;

(B) Final audit submitted before December 31 of the year of closing;

(C) Program evaluation reports and final expenditure reports (FER) submitted for all federal/state programs in which the closing charter school participated;

(D) Submission of core data and the Missouri Student Information System (MOSIS) data; and

(E) Required student testing.

(5) Resolution of Financial Obligations. During the dissolution of a charter school, the sponsor shall coordinate efforts to ensure the meeting of financial obligations associated as required in section 160.415.12, RSMo.

(A) The sponsor is responsible for the oversight of unobligated assets of the charter school. The sponsor contractually requires—

1. Quarterly accountability reports on receipts and expenditures;

2. Quarterly bank statements for the closing charter school accounts;

3. Monitoring of all expenditures during and after school closure to ensure such expenditures are essential to the closing process; and

4. An independent audit be conducted for any remaining funds if more than three (3) months lapse from the official closure of the charter school.

(B) If the charter school does not have sufficient funds to close out the year, the sponsor is responsible for oversight and reporting as required in section 160.405.1(15)(a-f), RSMo.

(6) Disposition of Assets. Distribution of materials and equipment purchased with state funds will be determined by the charter school's plan/policy for disposition of assets. The sponsor will closely monitor the reallocation of equipment and materials from a closed charter school to reasonably assure



the equipment and materials follow the students to their new school. For equipment and or materials exceeding a total value of five thousand dollars (\$5,000) purchased with federal funds and in accordance with federal guidelines, the sponsor shall verify that—

(A) A physical verification that federally purchased equipment or electronic items is conducted;

(B) An inventory of available items is sent to all local educational agencies (LEAs) and the district within the physical boundaries of the public school district within sixty (60) days of the school closure;

(C) An opportunity for LEAs/districts interested in acquiring inventory items to send a written request for equipment or materials to the school and sponsor; and

(D) Distribution of equipment or materials is based on—

1. Any equipment and material required for an Individual Education Plan (IEP) for a student with disabilities must follow the student to his/her new public school;

2. All equipment and materials purchased with federal IDEA Part B funds must be sent to a public special education program for use by students with disabilities;

3. All materials/equipment purchased with specific funding sources (Perkins, Title I, discretionary grants) must be sent to other LEAs participating in those programs;

4. The percentage of students transferring from the closed charter to the requesting LEAs/district; or

5. By lottery.

AUTHORITY: sections 160.400–160.425 and 161.092, RSMo Supp. 2013. Original rule filed Sept. 27, 2013, effective May 30, 2014.*

**Original authority: 160.400–160.425, RSMo, see Revised Statutes of Missouri Supp. 2012 and 161.092, RSMo 1963, amended 1973, 2002, 2003, 2013.*

5 CSR 20-100.270 Charter Sponsorship Inflation Adjustment

PURPOSE: This rule establishes the method of adjustment for inflation for charter sponsorship payment as required by the Department of Elementary and Secondary Education (department). The inflation adjustment serves to keep current the funding for the sponsor oversight for sponsors remaining in good standing by fulfilling the obligations under sections 160.400 to 160.425, 161.092, and 167.349, RSMo.

(1) Section 160.400.11, RSMo, requires that the expenses of charter school sponsorship shall be defrayed by the department retaining one and five-tenths percent (1.5%) of the

amount of state and local funding allocated to a charter school, not to exceed one hundred twenty-five thousand dollars (\$125,000), adjusted for inflation.

(2) Beginning with the 2016-17 school year, the Consumer Price Index (CPI) will be used to calculate the inflation adjustment for only those charter sponsors that have reached the maximum one hundred twenty-five thousand dollars (\$125,000). The department will calculate the rate of inflation to be applied to the one hundred twenty-five thousand dollar (\$125,000) limit as follows:

(A) The base for the calculation is the December 2006 CPI as calculated by the U.S. Bureau of Labor Statistics;

(B) The CPI for December 2006 will be divided into the CPI as calculated by the U.S. Bureau of Labor Statistics for the December immediately preceding the beginning of the current fiscal year; and

(C) The quotient derived will be multiplied by one hundred twenty-five thousand dollars (\$125,000) and the result will be the maximum payment to sponsors for the current year.

AUTHORITY: sections 160.400 to 160.425 and 167.349, RSMo Supp. 2013, and section 161.092, RSMo Supp. 2014. Original rule filed Dec. 9, 2015, effective July 30, 2016.

**Original authority: 160.400–160.425, RSMo, See Revised Statutes of Missouri Supp. 2012 and 161.092, RSMo 1963, amended 1973, 2002, 2003, 2013.*

5 CSR 20-100.280 Charter School Expedited Renewal Application Process

PURPOSE: This rule establishes the method for expediting the renewal process for a charter school that meets the requirements of section 160.405.9.(2)(d), RSMo 2016.

(1) The sponsor of a charter school that meets the qualifications for expedited renewal will submit the form *Charter School Expedited Renewal Application*, provided by the Department of Elementary and Secondary Education (department), to the charter school section, addressing—

(A) Cover sheet with the current school name, address, superintendent/head administrator, and names of building(s) and principal(s), if applicable;

(B) Articles of Incorporation;

(C) Current, signed performance contract bearing charter school and sponsor signatures, pursuant to section 160.405.1, RSMo;

(D) Current list of charter school board members;

(E) Complete, projected five- (5-) year budget including projected reserves; and

(F) Projected enrollment by grade levels.

AUTHORITY: sections 160.405 and 161.092, RSMo 2016. Original rule filed Dec. 8, 2016, effective July 30, 2017.*

**Original authority: 160.405, RSMo 1998, amended 2005, 2009, 2012, 2016 and 161.092, RSMo 1963, amended 1973, 2002, 2003, 2013, 2014.*

5 CSR 20-100.290 Charter School Expedited Replication and Expansion Application Process

PURPOSE: This rule establishes the method for expediting the replication and expansion application process of a charter school into unaccredited districts, a metropolitan district, or an urban school district containing most of all of a home rule city with more than four hundred thousand (400,000) inhabitants and located in more than one (1) county. Participation is limited to charter schools that receive eighty-five percent (85%) or more of the total points for three (3) out of the last four (4) years on the annual performance report (APR). The expedited replication and expansion process serves to meet the allowance of such as stated in section 160.408, RSMo.

(1) For purposes of this rule, replicate and expand shall be defined as—

(A) Replicate means to open one (1) or more new charter Local Education Agencies (LEA) that is based on the charter school model for which the applicant has presented evidence of success; and

(B) Expand means to increase the number of available seats in an existing charter LEA.

AUTHORITY: sections 160.400 to 160.425 and 167.349, RSMo 2016. Original rule filed Dec. 21, 2016, effective July 30, 2017.*

**Original authority: 160.400, RSMo 1998, amended 2005, 2009, 2012, 2016; 160.403, RSMo 2012, amended 2016; 160.405, RSMo 1998, amended 2005, 2009, 2012, 2016; 160.408, RSMo 2016; 160.410, RSMo 1998, amended 2005, 2009, 2012, 2016; 160.415, RSMo 1998, amended 1999, 2005, 2012, 2016; 160.417, RSMo 2012, amended 2016; 160.420, RSMo 1998, amended 2001, 2005, 2012; 160.425, RSMo 2012; and 167.349, RSMo 1999, amended 2005.*

5 CSR 20-100.300 Instruction for Prekindergarten

PURPOSE: This rule authorizes public schools to provide for the gratuitous education of pupils in prekindergarten.



(1) A public school district may provide for the gratuitous education of pupils in prekindergarten.

(2) Transportation may be provided at district expense for prekindergarten pupils on the same basis as for pupils in kindergarten through grade twelve (K-12), provided no state funds are used.

AUTHORITY: section 161.092, RSMo 2016, and section 163.018, RSMo Supp. 2018. This rule previously filed as 5 CSR 50-340.020 and 5 CSR 20-600.120. Original rule filed Nov. 5, 1969, effective Nov. 15, 1969. Moved to 5 CSR 20-600.120, effective Aug. 16, 2011. Amended: Filed Jan. 22, 2015, effective Aug. 30, 2015. Moved to 5 CSR 20-100.300, effective Sept. 18, 2018.*

**Original authority: 161.092, RSMo 1963, amended 1973, 2002, 2003, 2014 and 163.018, RSMo 2014, amended 2016, 2018.*

5 CSR 20-100.310 General Provisions Governing Programs Authorized Under Early Childhood Development, Education, and Care

PURPOSE: The Department of Elementary and Secondary Education (department) is authorized by the Early Childhood Development Education and Care Fund to administer a program of competitive grants to governmental entities, public schools, or private agencies for voluntary, early childhood development, education, and care programs serving children in every region of the state not yet enrolled in kindergarten. This rule sets forth the general provisions governing those programs.

(1) The Department of Elementary and Secondary Education (department) is authorized to establish procedures for the implementation of the Missouri Preschool Program (MPP) including:

(A) Grants or contracts may be provided for—

1. Start-up funds for necessary materials, supplies, equipment, and facilities;

2. Ongoing costs associated with the implementation of a sliding parental fee schedule based on income; and

3. Grants or contracts may be for up to a maximum of five (5) years, with decreasing amounts in the last three (3) years;

(B) Grant and contract applications shall, at a minimum, include:

1. A funding plan which demonstrates funding from a variety of sources, including

parental fees and a method of sustaining the program when the grant ends;

2. A child development, education, and care plan that is appropriate to meet the needs of children;

3. The identity of any partner agencies or contractual service providers;

4. Documentation of community input into program development;

5. Demonstration of financial and programmatic accountability on an annual basis; and

6. The establishment of a parent advisory committee within each program;

(C) Governmental entities, public schools, or private agencies may apply in a competitive bid process to provide preschool education.

1. Religious entities are not eligible to apply to the department for funds based on the Missouri Constitution article IX, section 8.

2. All contractors/grantees applying must have the appropriate child care license granted from the Missouri Department of Health and Senior Services (DHSS), Section for Child Care Regulation and continue to maintain it throughout the entire contract period and all renewal periods.

3. The contractor must provide preschool services to age-eligible children. Only age-eligible children should be served in the MPP classroom.

4. Contractors/grantees must serve a minimum of ten (10) age-eligible children per classroom and have no more than twenty (20) age-eligible children in a classroom.

5. Lead teachers and teacher assistants must meet the teacher qualifications. Classrooms with ten (10) children must have a lead teacher. A teacher assistant is required if more than ten (10) children are enrolled in the MPP classroom.

6. The contractor/grantees cannot decrease a program's current license capacity for any age group in order to increase the license capacity of age-eligible children for the purpose of receiving MPP funds.

7. The program must adopt one (1) of the department-approved curriculum models. Lead teachers and teacher assistants in the MPP classrooms must be trained in and implement the curriculum in the classroom.

8. The program must implement a sliding scale fee to ensure all families, regardless of income, have an opportunity to participate.

9. The program must obtain Missouri Accreditation (MoA) or the National Association for the Education of Young Children (NAEYC) Accreditation.

10. Staff evaluations must be completed and documented annually.

11. Lead teachers and teacher assistants must participate in continuous professional

development associated with the selected curriculum model.

12. The contractor must maintain records and fiscal information.

13. The MPP funds cannot be used to supplant or replace any existing preschool program or staff.

14. Private agency contractors who failed to meet the requirements of a previously awarded MPP bid will not be eligible for application for five (5) years after the year in which they defaulted.

15. The contractor must ensure an annual health and nutrition screening and a developmental screening for MPP children.

16. The program must offer no less than two (2) parent-teacher conferences annually;

(D) Program Development Requirements.

1. The contractor must agree and understand that the department must have complete and total approval authority of the contractor's activity plan or any part thereof and must have the expressed right to modify, change, or delete all or any part of the plan at any time.

2. The contractor may be required to develop and submit a new or revised activity plan at other times throughout the contract period as well as for each renewal period, if the contract is renewed for additional periods. The contractor must prepare and submit all such future activity plans within a time frame stipulated by the department.

3. Community involvement. A community advisory committee must assist in planning the Preschool Program for age-eligible children and in completing the Community Needs Assessment.

4. Community-based planning. Strong community commitment, leadership, and planning are critical to the success of the programs and services offered under the MPP.

A. Step I—Administration. The contractor appoints an administrator who has both leadership ability and a strong commitment to early childhood education, especially preschool education. This administrator must be able to—

(I) Be knowledgeable and respectful of preschool opportunities within the community;

(II) Set goals and coordinate implementation timetables;

(III) Analyze the results of the programs;

(IV) Exercise sufficient authority within a collaborative framework to accomplish the desired results;

(V) Be knowledgeable about business practices necessary to successfully sustain the program; and



(VI) Report regularly to the Community Advisory Committee and should be prepared to manage a program organizational structure consisting of several different types of operation.

B. Step II—Community Advisory Committee. The Community Advisory Committee, whose membership of citizens representing a variety of community organizations, is established. Primary responsibilities of the Community Advisory Committee are to—

(I) Assist in gathering information needed to complete the Community Needs Assessment;

(II) Make recommendations on the goals and objectives of the MPP;

(III) Assist on options for coordinating programs and services among community, school, and other preschool programs;

(IV) Assist in the Invitation For Bid (IFB) process; and

(V) Serve as a resource.

C. Step III—Program Design. Based on the community needs assessment, the program will be designed to meet the needs of each community.

5. Teacher qualifications. All preschool programs funded by the MPP must utilize teachers and teacher assistants who have one (1) of the following minimum qualifications at the time the program begins operation. These qualifications must be maintained throughout the contract period.

A. Lead teacher—

(I) Early Childhood Teacher Certification;

(II) Early Childhood Special Education Teacher Certificate; or

(III) A four- (4-) year college degree in child development.

B. Teacher assistant, at a minimum—

(I) Child Development Associate;

(II) Two- (2-) Year Associate Degree in Child Care/Education; or

(III) Sixty (60) college hours with a minimum of three (3) college credit hours in early childhood, child development, or child/family related courses and experience working in a program with young children and their families.

6. Curriculum models. Preschool programs must implement a nationally recognized preschool curriculum model that is approved by the department. The lead teacher and teacher assistant involved in the MPP must be trained in the curriculum model. It is also highly recommended that the director/program administrator be trained in the chosen curriculum model. All curriculum trainings must be provided by the curriculum source. Programs must contact the source to

schedule trainings. Any training not scheduled through the source will not be funded and will not meet the requirement. The selected preschool curriculum models meet the following criteria:

A. Based on valid research;

B. Have positive evaluation results;

C. Provide ongoing professional development; and

D. Developmentally appropriate for age-eligible children.

7. Accreditation. Programs are required to obtain accreditation from either the MoA or the NAEYC. The program must be accredited prior to the beginning of year four (4) operation. MPP operating in a center will be required to accredit the entire center including the infant/toddler classrooms and school age classrooms.

8. Plans for program activities.

A. Parent advisory committee plan. An advisory committee of parents with children in the MPP classrooms must meet at least twice annually. The plan should include the roles of the members, selection procedure, replacement procedure, number of members, and frequency of meetings.

B. Funding plan. The plan must demonstrate funding from a variety of sources including parental fees. A sliding scale fee schedule based on family income is required for families whose income does not exceed one hundred eighty-five percent (185%) of the federal poverty level. Information must include how program growth issues will be addressed, such as recruitment methods.

C. Child development, education, and care plan. The plan should describe how the preschool program will be designed and how it will meet the needs of age-eligible children as identified from the Community Needs Assessment.

D. Professional development plan. Professional development opportunities include college-credit courses, follow-up/advanced training of the selected curriculum model provided only by the approved curriculum source, professional conferences, seminars, consultants, and the department-required meetings. MPP funds only support professional development opportunities that are in addition to the DHSS required clock hours for child care providers. The plan should include a list of the specific professional development opportunities to be provided. Evidence of continuous professional development associated with the selected curriculum model must be included each year in the plan. Professional development opportunities should reflect the general philosophy of the selected curriculum model.

E. Parent education/involvement/communication plan. The plan must address how parents will be informed about their child's development, opportunities to be involved in the preschool program, and how the preschool program will communicate with parents on an ongoing basis. Preschool programs are strongly recommended to collaborate with the district's Parents as Teachers program for parent education. Parent involvement could include serving on the Parent Advisory Committee, classroom volunteer, forming a preschool parent organization, etc. Communication with parents could include newsletters, parent-teacher conferences, phone calls, etc.

F. Community set-aside plan. The community set-aside is a portion of the award that may be designated to provide professional development opportunities for licensed early care and education providers within the contractor's community. These licensed providers must be caring for age-eligible children.

(E) Funding.

1. Funds may be requested for costs associated with expenses necessary to implement a quality preschool program.

2. These may include the following:

A. Initial staff training on a selected curriculum model;

B. Minor remodeling associated with licensing requirements;

C. Appropriate equipment;

D. Necessary furniture; and

E. Appropriate staffing.

3. Payments will not be made until the program has met contractual requirement; the program is licensed from the DHSS, Section for Child Care Regulation; and a copy of the licensed certificate is submitted to the department.

4. Subject to appropriations and the phased reduction, subsequent contract amounts may be reduced.

AUTHORITY: sections 161.092 and 313.835, RSMo Supp. 2012. This rule previously filed as 5 CSR 20-600.130. Original rule filed Aug. 30, 2012, effective March 30, 2013. Moved to 5 CSR 20-100.310, effective Sept. 18, 2018.*

**Original authority: 161.092, RSMo 1963, amended 1973, 2002, 2003 and 313.835, RSMo 1991, amended 1993, 1994, 1996, 1998, 2000, 2001, 2003, 2007, 2010, 2012.*

5 CSR 20-100.320 Prekindergarten Program Standards

PURPOSE: This rule requires that any school district reporting children ages three (3) to



five (5) for calculation in their average daily attendance must meet standards approved by the State Board of Education.

(1) Any school district reporting children ages three (3) to five (5) for calculation in their average daily attendance must meet standards approved by the State Board of Education (board) including:

(A) A lead teacher in each prekindergarten classroom who holds a bachelor's degree and teaching certificate in early childhood education or early childhood special education; and

(B) A teacher assistant or paraprofessional who holds a child development associate's degree, associate's degree in early childhood, or sixty (60) college hours with a minimum of three (3) college credit hours in early childhood, child development, or child/family related courses and experience working in a program with young children and their families for any classroom with more than ten (10) children.

AUTHORITY: sections 161.092, 163.011, and 163.018, RSMo Supp. 2014, and section 168.011, RSMo 2000.* This rule previously filed as 5 CSR 20-600.140. Original rule filed Feb. 20, 2015, effective Oct. 30, 2015. Moved to 5 CSR 20-100.320, effective Sept. 18, 2018.

*Original authority: 161.092, RSMo 1963, amended 1973, 2002, 2003, 2013, 2014; 163.011, RSMo 1963, amended 1967, 1973, 1977, 1982, 1985, 1986, 1988, 1992, 1993, 1996, 1997, 1998, 1999, 2001, 2002, 2005, 2006, 2007, 2008, 2009, 2014; 163.018, RSMo 2014; and 168.011, RSMo 1963, amended 1984.

5 CSR 20-100.330 General Provisions Governing Programs Authorized Under the Early Childhood Development Act

PURPOSE: The Department of Elementary and Secondary Education is authorized by the Early Childhood Development Act to administer a program of grants to local public school districts for the provision of early childhood screening, parent education, and programs for developmentally delayed children. This rule sets forth the general provisions governing those programs. This rule incorporates by reference the *Early Childhood Development Act Administrative Manual*.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to

the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) All programs and projects carried out by school districts under the Early Childhood Development Act (ECDA) shall be conducted in conformity with—

(A) The school district's annual application for district program approval under the ECDA, pursuant to applicable state laws and regulations and the following:

1. The school district must designate a supervisor who will be responsible for the oversight and delivery of the Parents as Teachers (PAT) program;

2. The school district must establish a Community Advisory Committee;

3. The school district must use parent educators that meet the minimum requirements established by the Department of Elementary and Secondary Education (department) and renew curriculum subscription(s) annually through Parents as Teachers National Center;

4. The school district must provide a PAT program that promotes early learning, knowledge and understanding of child development, partnerships between families and schools, and access to community resources for a minimum of nine (9) months during the program year;

5. The PAT program must be implemented to provide family personal visits using the department approved curriculum, developmental screenings for age eligible children using a department approved screening instrument, group connections, and access to a resource network;

6. The school district must annually gather and summarize feedback from families regarding the services received and use the results for program improvement;

7. The school district must maintain documentation to verify services that maintains confidentiality of participating families; and

8. The school district must collect and report all data requested by the department.

(2) Any rule or interpretation of a rule promulgated by the State Board of Education in exercising its responsibilities under the statute may be waived by the assistant commissioner, Office of Early and Extended Learning, upon his/her determination that a situation exists in which the application of the rule or interpretation would work an extreme hardship upon the affected party, or would work to the detriment of the intended beneficiaries of the program.

AUTHORITY: sections 161.092, and 178.691–178.699, RSMo 2016.* This rule previously filed as 5 CSR 50-270.010 and 5 CSR 20-600.110. Original rule filed April 4, 1985, effective Sept. 3, 1985. Rescinded and readopted: Filed Feb. 27, 1992, effective Sept. 6, 1992. Amended: Filed June 29, 1995, effective Jan. 30, 1996. Amended: Filed May 29, 1998, effective Dec. 30, 1998. Amended: Filed July 28, 2000, effective Feb. 28, 2001. Amended: Filed Oct. 29, 2002, effective April 30, 2003. Amended: Filed Jan. 16, 2008, effective Aug. 30, 2008. Amended: Filed June 10, 2010, effective Dec. 30, 2010. Moved to 5 CSR 20-600.110, effective Aug. 16, 2011. Amended: Filed Feb. 27, 2013, effective Sept. 30, 2013. Amended: Filed May 28, 2015, effective Dec. 30, 2015. Moved to 5 CSR 20-100.330 and amended: Filed Nov. 29, 2018, effective June 30, 2019.

*Original authority: 161.092, RSMo 1963, amended 1973, 2002, 2003, 2013, 2014; 178.691, RSMo 1984; 178.693, RSMo 1984, amended 1985, 1993; 178.695, RSMo 1984, amended 1992; 178.697, RSMo 1984, amended 1993, 2010; 178.698, RSMo 1993; and 178.699, RSMo 1984.