



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

PURPOSE: The Department of Elementary

and Secondary Education (DESE) is authorized to receive a grant award through the Federal Advanced Placement Fee Payment Program and to approve requests for the purpose of defraying the cost of Advanced Placement (AP) exam fees and International Baccalaureate (IB) exam fees for low-income students. This rule establishes the administrative procedures to approve requests for payments to pay a portion of the costs of AP exam fees and IB exam fees for students enrolled in these programs.

(1) Federal Advanced Placement (AP) Fee Payment Program.

(A) For the purpose of payments of AP exam fees through the Federal Advanced Placement Fee Payment Program, eligible students must be enrolled in an approved course, plan to take the appropriate exam and meet the federal definition of "low income" as defined in section 402A(g)(2) of the Higher Education Act of 1965 of family taxable income, not to exceed one hundred fifty percent (150%) of the poverty level.

(B) Students will be expected to take the AP and/or IB exam on the prescribed dates and in conjunction with the other rules and regulations governing the test administration and must have applied for any other applicable fee reductions.

(2) Applications.

(A) DESE shall annually solicit applications which shall be due as of a date and in a form established by DESE.

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.*

**Original authority: 161.092, RSMo 1963, amended 1973, 2002, 2003, 2013, 2014 and 178.430, RSMo 1963.*

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 may be held any time between the close of the regular school term and the beginning of the next regular term and must be approved by the local school board. 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 shall consist of a planned schedule of course offerings for resident 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 must be in session for at least sixty (60) clock hours depending upon the hours needed to comply with 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. Each approved summer school program shall have at least the required minimum clock hours of instruction. 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. Each summer school program that is operated separately with different opening and closing dates must meet the minimum clock hours of instruction requirements. A variety of classes may be offered at either the elementary or secondary level which meet state guidelines and whose total hours of instruction equal at least one hundred twenty (120) clock hours. A second method of meeting the clock hour requirement is to offer a variety of classes at the elementary and secondary level whose combined hours total at least one hundred twenty (120). This method is commonly referred to as "stacking." 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. No individual course or segment of an approved summer school program, other than special education programs, may consist of less than thirty (30) clock hours of classroom instruction. 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) Examples of acceptable combinations are as follows:

1. Sixty (60) hours in grades kindergarten through six (K-6) or kindergarten through eight (K-8) plus sixty (60) hours in grades seven through eight (7-8) or nine through twelve (9-12) in an approved summer school;

2. Sixty (60) hours in a special education extended school year program plus sixty (60) hours in grades kindergarten through eight (K-8) or nine through twelve (9-12) in an approved summer school;

3. Thirty (30) hours in grades kindergarten through six (K-6) plus thirty (30) hours in grades seven through eight (7-8) plus sixty (60) hours in grades nine through twelve (9-12) in an approved summer school; or

4. Sixty (60) hours in grades kindergarten through eight (K-8) offered during breaks in the regular term plus sixty (60) hours in grades nine through twelve (9-12) offered during breaks in the regular term for school districts with year-round regular term schedules.

(B) Title I summer school hours may not be used in the "stacking" method. The district or charter school must demonstrate compliance with the supplement not supplant requirement before federal programs funds may be used for summer services. Prior to obligating federal funds for summer services, the district must complete a Federal Program Proposed Summer School Plan.

(3) The curriculum in an approved summer school program at any level must include 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 as part of the 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) The following are examples of courses which may be approved as part of the summer school program but must be in addition to, and not in place of, the academic areas: driver education, art, crafts, physical education and music.

(C) 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.

(D) Activities such as recreation programs, athletic practices, isolated music rehearsals and isolated band practices may be offered by the school but shall not be included as part of the clock hours of instruction in an approved summer school program and shall not be counted for summer school membership and attendance 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) 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) Some high school courses may be offered for credit and some courses for no credit in an approved summer school program. High school students may earn one-half (1/2) unit of high school credit for laboratory courses which meet at least seventy-five (75) clock hours and one-half (1/2) unit of high school credit for other courses which meet for sixty to seventy-five (60–75) clock hours. One-fourth (1/4) unit of high school credit may be granted for driver education classes which provide thirty (30) clock hours of classroom instruction, six (6) clock hours behind the wheel and twelve (12) clock hours as an observer in a driver education car. Minimum time requirements exclude any break time and lunch time.

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

(7) Transportation for summer school students with disabilities is reimbursable as provided in 5 CSR 30-261.040 Allowable Costs for State Transportation Aid.

(8) School food services for summer school students are not required but may be provided.

(9) Facilities and equipment used for summer school shall be of a quality equal to that used during the regular term.

(10) Textbooks, library resources and other instructional materials and aids shall be of a quality equal to that used during the regular term.

(11) State Board of Education classification standards pertaining to class size are applicable to summer school programs.

(12) Department of Elementary and Secondary Education (DESE) staff will review applications for approval of summer school programs, consult with local school officials as needed and approve eligible summer school programs for state aid. Approved summer school programs will be visited and reviewed by DESE staff.

(13) School districts and charter schools must keep individual student membership and attendance records for summer school programs. The summer school records shall be audited as required by law.

(14) Summer school program applications and reports shall be submitted in a form and at a time as may be required by DESE.

AUTHORITY: sections 161.092(2), 163.011, 163.021(2) and 163.031, RSMo Supp. 2007 and sections 167.227 and 178.280, RSMo 2000. 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.*

**Original authority: 161.092(2), RSMo 1963, amended 1973, 2002, 2003; 163.011, RSMo 1963, amended, 1967, 1973, 1977, 1982, 1985, 1986, 1988, 1992, 1993, 1996, 1997, 1998, 1999, 2001, 2002, 2005, 2006, 2007; 163.021(2), RSMo 1963, amended 1973, 1982, 1983, 1984, 1988, 1992, 1993, 1996, 1997, 1998, 2005, 2006; 163.031, RSMo 1963, amended 1965, 1967, 1969, 1975, 1976, 1977, 1982, 1984, 1985, 1986, 1993, 1996, 1997, 1998, 2000, 2004, 2005, 2006; 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 school districts.

(1) High School Graduation Requirements. Effective for the graduating class of 2010 and thereafter, the state minimum high school graduation requirements comprise twenty-four (24) units of credit that must be earned between grades nine (9) and twelve (12). 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

*The .5 unit of credit of Personal Finance may be earned in social studies, practical arts or as an elective. If earned in social studies or practical arts, the required units of credit in that area are reduced by .5 (i.e. social studies from 3.0 to 2.5) and the elective total is increased to 7.5.



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

(3) Course Requirements. In order to earn one standard unit of high school credit, a student must earn a passing grade in that course. A standard unit of credit is defined by a course that meets for seven thousand eight hundred thirty (7,830) minutes during a school year. Half- and quarter-units of credit may be earned for courses meeting proportionately fewer minutes. However, if a student demonstrates mastery of the required competencies of a course, the district may grant credit through an alternative method with prior approval by DESE. Alternative time schedules may be approved if requested by the district.

(4) 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.

(5) 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 nondiscriminatory environment.

(6) 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 through procedures that will ensure fair and consistent application of its policies.

AUTHORITY: section 161.092, RSMo Supp. 2004. 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.*

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

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 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 with secondary schools 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 district will:

- 1. Establish measurable district-wide 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;

(D) Make facilities and services available for adult literacy training; and

(E) Schools may request a designation two (2) years after the submission of the Notification of Commitment Form and when they have met the requirements of the program.

(3) High schools seeking designation must provide the department with notification of their intent to seek designation. The notification must contain—

(A) The name and address of the high school and school district applying for A+ status;

(B) The signature of the chief administrator and board president of the school district submitting the request for designation;

(C) Statement(s) of assurance that the school district will—

1. Demonstrate a commitment to the established goals of the A+ Schools Program;

2. Implement and annually update a partnership plan;

3. Establish a data and accountability system necessary to determine and report at least student demographics and enrollment, student completion and performance of coursework, student follow-up after leaving high school, program outcome, and student success relating to the implementation of the partnership plan, and student eligibility to receive student financial incentives available through the A+ Schools Program;

4. Comply with all reporting requirements of the department; and

5. Develop and implement a plan in compliance with all applicable state law and regulations to report students who drop out of school;

(D) Develop a plan of implementation which addresses each of the program requirements specified in this rule, including:

1. A listing of major objectives that include:

A. Curricular and instructional



change;

- B. Lower drop-out rates;
- C. Student mastery of measurable learning expectations;
- D. Successful transition from high school to continued education or employment;

E. A description of the process of the identification of and planned services for students considered to be at risk of educational failure and dropping out of school;

F. A plan to evaluate the effectiveness of the A+ Schools Program. Such evaluation should include but not be limited to:

- (I) Annualized high school drop-out rate;
- (II) Graduation rate;
- (III) Number of students enrolled by grade level, kindergarten through grade twelve (K-12);
- (IV) Number of high school graduates continuing their education at four- (4-) year colleges and universities, community colleges, or career-technical schools. This data shall be recorded separately by category of institution;

(V) Number of high school graduates entering the labor force;

(VI) Career education enrollment disaggregated by program/course and by location (local school district and area career-technical school); and

(VII) Career education follow-up/placement rates for local school district and career education programs in the area career-technical school; and

G. Name and description of each course offered at high school(s) and area career-technical school(s).

(4) The designated A+ Schools Program coordinator shall possess a valid Missouri certificate of license to teach in the secondary grade levels, an administrator certificate of license to teach, or a counselor certificate of license to teach.

(5) In preparation for designation, participating public high school districts must—

(A) Accomplish at least the following requirements:

1. Establish measurable district-wide performance standards for each of the three (3) established program goals and specific measures to determine attainment of each standard;

2. Demonstrate that developmental activities have taken place within the district or high school to specify the knowledge, skills/competencies, and mastery in measurable terms, that students must demonstrate to successfully complete all of the individual

courses offered by the school, and in any course of studies which will qualify students for graduation from high school;

3. Demonstrate that procedures have been implemented within the district or school to eliminate the offering of a general track of courses that do not provide sufficient preparation for students upon graduation to successfully enter and progress in employment or postsecondary studies;

4. Establish a schedule of rigorous coursework with standards of competency;

5. Organize a local advisory committee of individuals that will meet annually to cooperatively develop and revise the school's partnership plan. Members should include:

- A. Business person(s);
- B. Labor leaders;
- C. Parents;
- D. Community college and postsecondary career-technical schools;
- E. Senior citizens;
- F. Teachers; and
- G. Students;

6. Demonstrate that specific knowledge, skills, and competencies have been identified, in measurable terms, that students must demonstrate to successfully complete all individual courses offered by the school, and any course of studies which qualify students for graduation from the school and are a part of the school's curriculum;

7. Demonstrate that specific measurement and student mastery record-keeping procedures have been developed for each item of knowledge, skill, or competency identified for each individual course that the school offers; and

8. Show evidence that a reduction in the number of high school students dropping out of school has occurred.

(6) Public 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: sections 160.545 and 161.092, RSMo Supp. 2011. 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.

**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 No Child Left Behind Act of 2001, 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. A violent criminal offense as set forth below 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, a “violent criminal offense” shall be any offense that would require school administrators to, as soon as reasonably practical, notify the appropriate law enforcement agency pursuant to section 160.261, RSMo. Violent criminal offenses shall be reported by the school district to the Department of Elementary and Secondary Education (DESE) through Core Data. Violent criminal offenses are as follows:

(A) Murder 1st Degree under section 565.020, RSMo;

(B) Murder 2nd Degree under section 565.021, RSMo;

(C) Kidnapping under section 565.110, RSMo;

(D) Assault 1st Degree under section 565.050, RSMo;

(E) Forcible Rape under section 566.030, RSMo;

(F) Forcible Sodomy under section 566.060, RSMo;

(G) Burglary 1st Degree under section 569.160, RSMo;

(H) Burglary 2nd Degree under section 569.170, RSMo;

(I) Robbery 1st Degree under section 569.020, RSMo;

(J) Distribution of Drugs under section 195.211, RSMo;

(K) Distribution of Drugs to a Minor under section 195.212, RSMo;

(L) Arson 1st Degree under section 569.040, RSMo;

(M) Voluntary Manslaughter under section 565.023, RSMo;

(N) Involuntary Manslaughter under section 565.024, RSMo;

(O) Assault 2nd Degree under section 565.060, RSMo;

(P) Sexual Assault under section 566.040, RSMo;

(Q) Felonious Restraint under section 565.120, RSMo;

(R) Property Damage 1st Degree under section 569.100, RSMo;

(S) Possession of a Weapon under Chapter 571, RSMo;

(T) Child Molestation 1st Degree under section 566.067, RSMo;

(U) Deviate Sexual Assault under section 566.070, RSMo;

(V) Sexual Misconduct Involving a Child under section 566.083, RSMo; and/or

(W) Sexual Abuse under section 566.100, RSMo.

(5) For the purpose of determining when a student has been a victim of a violent criminal offense eligible to transfer to a safe school in the district, a violent criminal offense includes:

(A) Kidnapping under section 565.110, RSMo;

(B) Assault 1st Degree under section 565.050, RSMo;

(C) Forcible Rape under section 566.030, RSMo;

(D) Forcible Sodomy under section 566.060, RSMo;

(E) Burglary 1st Degree under section 569.160, RSMo.

(F) Robbery 1st Degree under section 569.020, RSMo;

(G) Arson 1st Degree under section 569.040, RSMo;

(H) Assault 2nd Degree under section 565.060, RSMo;

(I) Sexual Assault under section 566.040, RSMo;

(J) Felonious Restraint under section 565.120, RSMo;

(K) Property Damage 1st Degree under section 569.100, RSMo;

(L) Child Molestation 1st Degree under section 566.067, RSMo;

(M) Deviate Sexual Assault under section 566.070, RSMo;

(N) Sexual Misconduct Involving a Child under section 566.083, RSMo; and/or

(O) Sexual Abuse under section 566.100, RSMo.

(6) A Missouri public elementary or secondary school shall receive technical assistance from DESE staff which includes but may not be limited to a site visit to work with building and district staff to prepare and implement a plan to prevent the building from meeting the criteria for a second year if it has:

(A) In any one (1) year:

1. A federal or state gun-free schools violation; or

2. A violent criminal offense, as set forth above, on school property; or

(B) In any one (1) year, expulsions by local board action for drugs, alcohol, weapons or violence that exceed one (1) of the following rates:

1. More than five (5) expulsions for schools of less than two hundred fifty (250) students;

2. More than ten (10) expulsions for schools 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.

AUTHORITY: sections 160.261, RSMo Supp. 2001, 161.092, RSMo Supp. 2002 and 167.171, RSMo 2000. 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.*

**Original authority: 160.261, RSMo 1985, amended 1987, 1995, 1996, 2000, 2001; 161.092, RSMo 1963, amended 1973, 2002; and 167.171, RSMo 1963, amended 1969, 1973, 1977, 1986, 1987, 1995, 1996, 1999, 2000.*

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's Virtual Instruction Program (MoVIP) offers online courses to any kindergarten through grade twelve (K-12) students residing in Missouri, subject to appropriations. All MoVIP teachers are Missouri certified in the subjects they teach. All courses offered through MoVIP are aligned with Missouri Show-Me Standards.

(2) Access. A school district shall not limit a student's access to MoVIP state-funded courses, even if the district offers the same course titles. School officials are encouraged to advise students who are considering MoVIP courses about whether those courses are appropriate, based on academic prerequisites and each student's age and academic readiness.

(A) State appropriations will pay for no more than six (6) virtual credits per school year for any one (1) student. A credit consists of two (2) semesters of work for a school year.

(B) A school district cannot limit the number of credits a student may earn through MoVIP during a single or multiple school years.

(C) Students may be allowed to take MoVIP courses during the regular school day as allowed by local district policies.

(3) Selection. In any fiscal year, the number of students seeking to enroll in courses through MoVIP may exceed the level of state funding appropriated to support the program. The Department of Elementary and Secondary Education (DESE) will use a selection process to assure that students in all parts of the state have an equal opportunity to participate in the MoVIP program.

(4) Credit. Course credit issued through the MoVIP program shall be recognized by all public school districts in Missouri, regardless of who paid for the MoVIP course (state reimbursement or private tuition).

(A) All courses offered by MoVIP must use course numbers established by DESE.

(B) MoVIP will officially notify school districts and parents about the completion of each course and about any change in a student's status (moving, dropping a course, etc.). When a course is completed, the notification will be in the form of a percentage of work satisfactorily completed, as opposed to

a letter grade.

(C) School district policies governing how grades and credits are awarded must be applied to MoVIP courses and credits the same way they are applied to courses offered by the school district. Once a grade has been assigned for a course credit that was taken through the MoVIP program that credit shall be treated the same as any other course offered by the district.

(5) Special Education. MoVIP shall provide the services/accommodations set forth in a student's Individual Education Program (IEP) to enable a student to take the online courses offered by MoVIP. Provisions in the IEP for related services shall be the responsibility of the local school district where the student is enrolled, unless the student is a private school student accessing MoVIP. No IEP is needed for students not enrolled in a public school district. For those students, related services shall be provided by the local district to the extent required by their proportionate share requirement under state and federal regulations implementing the Individuals with Disabilities Education Act (IDEA). Districts must provide MoVIP with a copy of the current IEP for students enrolled in the public school district and participates in MoVIP.

(6) Multiple Providers. DESE shall ensure that multiple content providers are allowed in the event that more than one (1) vendor is determined to be in compliance with the provisions of section 161.670, RSMo, the requirements of this rule, and are determined to be responsive to the request for proposal issued by DESE.

(7) Funding. Districts that have resident students enrolled in MoVIP classes will receive a disbursement corresponding to fifteen percent (15%) of the total state aid attributable to such students under sections 163.031 and 163.043, RSMo.

AUTHORITY: sections 161.092, 161.670, 163.031 and 163.043, RSMo Supp. 2007. 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.*

**Original authority: 161.092, RSMo 1963, amended 1973, 2002, 2003; 161.670, RSMo 2006; 163.031, RSMo 1963, amended 1965, 1965, 1967, 1967, 1969, 1975, 1976, 1977, 1982, 1984, 1985, 1986, 1993, 1996, 1997, 1998, 2000, 2004, 2005, 2006; and 163.043, RSMo 2005.*

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).

- 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-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.

- 1. 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).
2. Students will have access to postsecondary preparation (e.g., Advanced Courses, Advanced Placement, International Baccalaureate, Technical Skills Attainment, Dual Enrollment, and Dual Credit).
3. 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.

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

Table with 3 columns: GRADES, STANDARD, DESIRABLE STANDARD. Rows include K-2, 3-4, 5-6, 7-12.

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

Options:

- 1. 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.
2. 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.
3. 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.
4. Enrollment in performing arts classes may exceed regular class-size limits if adequate supervision and facilities are provided.
5. 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.

Table with 4 columns: STANDARD (Students, FTE), DESIRABLE STANDARD (Students, FTE). Rows show enrollment ranges and corresponding ratios.

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:

- 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).
- 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.
- 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 recognizes that chartering is a means to foster excellent schools that meet identified needs, creates organizational structures to facilitate meeting these needs, and commits human and financial resources necessary to conduct its sponsoring duties effectively and efficiently. The sponsor shall implement steps to closely monitor the following:

(A) Provides capacity to serve as a sponsor by employing, contracting for services, or seeking expertise in other ways to ensure capacity to carry out all sponsoring activities essential to charter school oversight (including, but not limited to, education leadership, curriculum, instruction, assessment, special education, federal programs, performance accountability, law, finance, and nonprofit governance);

(B) Retains records showing that all individuals working in a sponsor's office and/or in the capacity of sponsor who have any 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;

(C) Provides capacity within their organization to review all data for charter schools in the Missouri Comprehensive Data System (MCDS) as outlined in section 160.400.11(5), RSMo;

(D) Ensures development of policies and procedures as outlined by section 160.400.16(1)–(6), RSMo;

(E) Provides an annual report showing that

ninety percent (90%) of state funds received for sponsoring are used to support charter school operations and compliance as outlined in section 160.400.11, RSMo; and

(F) Maintains capacity for intervention purposes when charter sponsors have two (2) or more persistently low achieving charter schools, as verified by their Annual Performance Report (APR), before expanding their charter portfolio.

(2) Standard 2—Application Process and Decision Making. The sponsor shall implement steps to closely monitor the application process that includes clear application and guidance; follows fair, transparent procedures, and rigorous criteria; and grants only those charter applications that demonstrate a strong capacity to establish and operate a quality charter school. The sponsor shall implement the following:

(A) Produces a thorough charter application process as outlined in section 160.400.11(2), RSMo, including the items as stated in section 160.405.1(1)–(17), RSMo;

(B) Maintains consistent criteria for accepting, approving, and denying charter applications and does so in accordance with a clearly established timeline;

(C) Requires the charter applicant to provide evidence of accountability regarding stable fiscal and organizational performance included in the charter application process, including:

1. Budget assumptions with balanced budgets; and

2. Positive cash flow reserve funds;

(D) Advises charter applicants of the meaning of local education agency (LEA) status as it concerns the operation of the charter school as permitted in section 160.415.4, RSMo;

(E) Includes additional contractual provisions that verify rigorous, independent contract oversight by the charter governing board and the school's financial independence from the external provider (for any school contracting with a third-party provider for education design and operation or management);

(F) Meets the Missouri Department of Elementary and Secondary Education's (department) timelines by submitting to the State Board of Education (board) any new charter applications before November 30 prior to the school year of the proposed opening date of the charter school. Renewal applications must be submitted before January 1 of the year that the charter is scheduled to be renewed; and

(G) Submit an electronic copy of the approved charter for department files.

(3) Standard 3—Board Support. The sponsor shall implement steps to offer ongoing support, including but not limited to: training, organization, ethical conduct, knowledge, commitment, compliance, leadership oversight, contract management, accountability, transparency, and the interpretation of the Missouri public charter school statutes/rules for charter school board(s). The sponsor shall—

(A) Ensure charter board members have adequate training to fulfill their position;

(B) Place charter schools on probation and/or revoke or non-renew a school's charter for poor governance if the charter school board does not follow statutory requirements, correct violations of statutory requirements, or continues to repeat the same violations, including, but not limited to, the following:

1. The charter board retains status as a Missouri non-profit corporation as outlined in section 160.400.7, RSMo;

2. Charter board members submit ethics commission paperwork annually as outlined in sections 105.483 and 105.492, RSMo;

3. Charter boards have policies in place to prevent conflict of interests with the charter school as outlined in section 160.400.15, RSMo; and

4. All charter board members have criminal background and FCSR checks as outlined in section 160.400.14, RSMo;

(C) Demonstrate oversight of charter boards in a variety of ways, including, but not limited to, reviewing board minutes, attending board meetings, and verifying reporting processes; and

(D) Monitor whether charter school board and committee business is conducted as outlined in the Missouri Sunshine Laws, sections 610.010–610.030, RSMo.

(4) Standard 4—Academic Performance. The sponsor shall take steps to closely monitor state performance standards, as defined by the department, are included in the sponsor/charter contract. The sponsor—

(A) Ensures that performance contracts are aligned to the pupil academic standards adopted by the State Board of Education as outlined in section 160.405.4(6)(a), RSMo;

(B) Mandates intervention based on performance deficiencies as outlined in section 160.405.8(1)(a), RSMo;

(C) Establishes clear procedures and consequences for failure to meet requirements and outcomes set in the sponsor/charter contract; and

(D) Does not approve additional sites or expansion of grade levels for a charter school identified as persistently low achieving, as verified by its APR.



(5) Standard 5—Fiscal Management. The sponsor shall implement steps to closely monitor the charter school performance management and financial actions that support a solvent fiscal status, including:

(A) A charter school identified as financially stressed develops a budget and education plan as outlined in section 160.417.3, RSMo. The department may withhold any payment of financial aid due to the charter school until such time as the charter school and sponsor have fully complied as outlined in section 160.417.5, RSMo;

(B) Charter schools that have been notified that expenditures for the preceding fiscal year exceed receipts, must take action to examine whether this has occurred due to recurring costs. If this is the case then the sponsor ensures that a budget and financial plan will be developed by the charter as outlined in section 160.417.3, RSMo;

(C) Reviews annual financial audits of schools, conducted by a qualified independent auditor as stated in section 160.405.4(4), RSMo;

(D) Ensures that adequate financial controls are in place to assure that revenue received for operation of the charter school are expended for expenses related to the operation of the charter school—

1. A requirement that a monthly check register is reviewed and approved by the local board prior to issuing payment for amounts in excess of one thousand dollars (\$1,000); and

2. The bank account where state funds are deposited must be established and under the control of the charter board. If a management company is contracted, personnel associated with the company shall not have direct access;

(E) Closely monitors that charter schools show fiscal management of federal grant programs in accordance with terms outlined in *Fiscal Guidance for Federal Grant Programs*;

(F) Closely monitors that charter schools have a procurement process in place as required by the *Code of Federal Regulations* 34 CFR 80.36;

(G) Closely monitors that the Annual Secretary of the Board Report (ASBR) and the annual audit are submitted to the department in the time frame outlined by Missouri statutes and that these documents are not compiled by the same auditing service. The department may withhold any payment of financial aid due to the charter school until such time as the charter school and sponsor have fully complied as outlined in section 160.415.5, RSMo;

(H) Closely monitors that the annual audit summary is published as outlined in section 165.121.5, RSMo; and

(I) Closely monitors that charter schools utilize the coding procedures prescribed in the *Missouri Financial Accounting Manual* as outlined in section 160.405.1(10), RSMo.

(6) Standard 6—Reporting. The sponsor shall implement steps to closely monitor all reports/data required by Missouri and federal law are completed and submitted in a timely manner for the department and/or legislature. The sponsor shall closely monitor the following:

(A) Timely, accurate, and complete submission of all data required as outlined in section 160.400.17(1), RSMo;

(B) Charter schools locally maintain student records that can be transferred electronically for state and federal program reporting requirements;

(C) Charter schools retain necessary records as required by the general record retention schedule and the public school record retention schedule as authorized by section 109.255, RSMo;

(D) That an annual report per charter school is submitted to the joint committee on education as outlined in section 160.400.12, RSMo;

(E) Sponsor ensures charter schools adopt 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;

(F) Appropriate charter personnel have access to the Missouri Student Information System (MOSIS) and core data; and

(G) That approved changes to a charter throughout the term of the charter will be submitted within thirty (30) days of approval and an electronic copy will be submitted to the department reflecting approved changes.

(7) Standard 7—Oversight and Evaluation. The sponsor conducts oversight and evaluates performance for both federal and state compliance. The sponsor shall implement steps to closely monitor the following:

(A) Non-discrimination as required by federal and state laws;

(B) The charter board has a policy to promptly address parent, student, and community concerns at the local level;

(C) Monitors data related to certification and background checks and has policy/intervention plans to address when schools are not in compliance;

(D) The compliance with all state and federal statutes and guidelines, including, but not limited to: special education; all title programs; vocational/career education; food service; and services for foster, homeless,

migrant, and English language learner students;

(E) All eligible students participate in the Missouri MAP; and

(F) Charter schools enrolling eligible students under the urban voluntary transfer program (St. Louis metropolitan area) are reported accurately as outlined in section 160.410.1(2), RSMo.

(8) Standard 8—Intervention, Renewal, Revocation, and Closure Decision Making. The sponsor shall implement steps to closely monitor transparent and rigorous processes that use comprehensive academic, financial, and operational management data to make decisions about intervention, renewal, revocation, and closure. The sponsor shall implement the following:

(A) Develops and maintains policies that have been adopted for the following areas:

1. Establishes and makes known to schools at the outset an intervention policy stating the general conditions that may trigger intervention and the types of actions and consequences that may ensue;

2. Bases the renewal process and renewal decisions on thorough analyses of a comprehensive body of objective evidence defined by the performance framework in the charter contract. Sponsors grant renewal only to schools that have achieved the standards and targets stated in the charter contract, are organizationally and fiscally viable, and have been diligent to the terms of the contract and applicable law;

3. Revokes a charter during the charter term if there is clear evidence of extreme underperformance or violation of law or the public trust that imperils students or public funds; and

4. In the event of a school closure, oversees and works with the school governing board and leadership in carrying out a detailed closure protocol that ensures timely notification to parents; orderly transition of students and student records to new schools; and disposition of school funds, property, and assets in accordance with law as outlined in section 160.400.17(1), RSMo.

AUTHORITY: sections 160.400–160.425 and 161.092, RSMo 2016. Original rule filed Dec. 3, 2012, effective June 30, 2013. Amended: Filed Dec. 8, 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 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.