
Emergency Rule

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 30—Division of Financial and
Administrative Services
Chapter 660—School Finance**

EMERGENCY AMENDMENT

5 CSR 30-660.090 Charter School Local Education Agency (LEA) Attendance Hour Reporting. The State Board of Education (board) is amending the purpose and sections (2) and (3).

PURPOSE: This emergency amendment extends the timeframe for attendance data modifications for payment purposes due to the ongoing impact of COVID-19 on school attendance.

PURPOSE: This [proposed] rule establishes policies and standards for charter school local education agencies (LEAs) for providing foundation formula **and other attendance based** payments in accordance with Chapter 160, RSMo, to meet the [health and safety] needs of students and faculty [if social distancing is necessary] due to **the disproportionate impacts of COVID-19 on attendance during the 2020-2021 and 2021-2022 school years.**

EMERGENCY STATEMENT: This emergency amendment is necessary to allow charter schools, for a limited period of time, to make calculation adjustments in their receipt of funds from the Missouri Department of Elementary and Secondary Education (department). The purpose of these adjustments is to ensure charter schools have a flexible payment provision with respect to certain funding streams that mirrors that of district schools, as described in section 163.021.1(4), RSMo, when a pandemic exists. As with district schools, charter schools have been impacted by declining attendance during the pendency of the pandemic, which impacts the amount of funding received under their traditional payment formula. There is an immediate need to provide such flexibility to charter schools in order to provide accurate funding for the 2021-2022 school year, so that they may plan accurately for the 2022-2023 school year. The department previously promulgated a similar, but not identical, rule to address this issue for charter schools, the provisions of which are no longer in effect at the end of the 2021-2022 school year. Since the beginning of this school year and the emergence of more severe and contagious strains of the COVID-19 virus, the department has determined that the provisions of section 163.021.1(4), RSMo, have been met, and failing to implement this provision immediately would have a disproportionate impact on charter schools. Based on these factors, and the department's determination that the processes outlined in the rule successfully meet the needs of charter schools, the board finds a compelling governmental interest, which requires this emergency action. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri and United States Constitutions**. The board believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed April 19, 2022, becomes effective May 3, 2022, and expires February 9, 2023.

(2) For the purposes of state aid calculation outlined in section 160.415, RSMo, during the 2020-2021 school year, WADA for charter school LEAs shall be defined as the higher of the current year's WADA or the first preceding year's WADA. This provision is applicable for the 2020-2021 school year. **During the 2021-2022 school year, WADA for charter school LEAs shall be defined as the higher of the current year's WADA, the 2020-2021 WADA, or the 2019-2020 WADA.**

(3) For the purposes of other state aid calculations outlined in sections 163.043 and 163.087, RSMo, that rely on the 2020-2021 **or 2021-2022** school year ADA or WADA, charter school LEAs may rely on the higher of the 2019-2020, [or] 2020-2021, **or 2021-2022** applicable ADA or WADA. This provision is applicable for the 2021-2022 **and the 2022-2023** school years.

AUTHORITY: sections 161.092, 163.043, and 163.087, RSMo 2016, and sections 160.415 and 163.031, RSMo Supp. [2020] 2021. Emergency rule filed Aug. 19, 2020, effective Sept. 2, 2020, expired Feb. 28, 2021. Original rule filed Aug. 19, 2020, effective Feb. 28, 2021. Emergency amendment filed April 19, 2022, effective May 3, 2022, expires February 9, 2023. An emergency amendment and a proposed amendment covering this same material will be published in the June 1, 2022, issue of the *Missouri Register*.

PUBLIC COST: This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective.

PRIVATE COST: This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.