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SALUS POPULI SUPREMA LEX ESTO

*“The welfare of the people shall be the supreme law.”*



JOHN R. ASHCROFT  
SECRETARY OF STATE

MISSOURI  
REGISTER

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| Register Filing Deadlines               | Register Publication Date               | Code Publication Date                    | Code Effective Date                      |
|---|---|--|--|
| April 1, 2020<br>April 15, 2020         | May 1, 2020<br>May 15, 2020             | May 31, 2020<br>May 31, 2020             | June 30, 2020<br>June 30, 2020           |
| May 1, 2020<br>May 15, 2020             | June 1, 2020<br>June 15, 2020           | June 30, 2020<br>June 30, 2020           | July 30, 2020<br>July 30, 2020           |
| June 1, 2020<br>June 15, 2020           | July 1, 2020<br>July 15, 2020           | July 31, 2020<br>July 31, 2020           | August 30, 2020<br>August 30, 2020       |
| July 1, 2020<br>July 15, 2020           | August 3, 2020<br>August 17, 2020       | August 31, 2020<br>August 31, 2020       | September 30, 2020<br>September 30, 2020 |
| August 3, 2020<br>August 17, 2020       | September 1, 2020<br>September 15, 2020 | September 30, 2020<br>September 30, 2020 | October 30, 2020<br>October 30, 2020     |
| September 1, 2020<br>September 15, 2020 | October 1, 2020<br>October 15, 2020     | October 31, 2020<br>October 31, 2020     | November 30, 2020<br>November 30, 2020   |
| October 1, 2020<br>October 15, 2020     | November 2, 2020<br>November 16, 2020   | November 30, 2020<br>November 30, 2020   | December 30, 2020<br>December 30, 2020   |
| November 2, 2020<br>November 16, 2020   | December 1, 2020<br>December 15, 2020   | December 31, 2020<br>December 31, 2020   | January 30, 2021<br>January 30, 2021     |

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at [sos.mo.gov/adrules/pubsched](http://sos.mo.gov/adrules/pubsched).

## HOW TO CITE RULES AND RSMO

### RULES

The rules are codified in the *Code of State Regulations* in this system–

| <b>Title</b> |  | <b>Division</b>    | <b>Chapter</b>            | <b>Rule</b>                |
|--------------|--|--------------------|---------------------------|----------------------------|
| 3            | CSR                                      | 10-                | 4                         | .115                       |
| Department   | <i>Code of<br/>State<br/>Regulations</i> | Agency<br>Division | General area<br>regulated | Specific area<br>regulated |

and should be cited in this manner: 3 CSR 10-4.115.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraphs 1., subparagraphs A., parts (I), subparts (a), items I. and subitems a.

The rule is properly cited by using the full citation, for example, 3 CSR 10-4.115 NOT Rule 10-4.115.

Citations of RSMo are to the *Missouri Revised Statutes* as of the date indicated.

### ***Code and Register on the Internet***

The *Code of State Regulations* and *Missouri Register* are available on the Internet.

The *Code* address is [sos.mo.gov/adrules/csr/csr](http://sos.mo.gov/adrules/csr/csr)

The *Register* address is [sos.mo.gov/adrules/moreg/moreg](http://sos.mo.gov/adrules/moreg/moreg)

These websites contain rulemakings and regulations as they appear in the *Code* and *Registers*.

**R**ules appearing under this heading are filed under the authority granted by section 536.025, RSMo. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

**R**ules filed as emergency rules may be effective not less than ten (10) business days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

**A**ll emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

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

**5 CSR 30-660.085 Attendance Hour Reporting**

*PURPOSE: This emergency rule establishes policies and standards for local education agencies (LEAs) for maintaining attendance hour records in accordance with Chapter 163, RSMo, to meet the health and safety needs of students and faculty if social distancing is necessary due to COVID-19 during the 2020-2021 school year.*

*EMERGENCY STATEMENT: This emergency rule is necessary due to the novel COVID-19 pandemic and local education agencies' (LEAs) need for flexibility in their methods to address their students' educational needs. The State Board of Education (board) voted on July 7, 2020, to grant the ability for LEAs to provide instruction and claim attendance hours in an alternative method otherwise not outlined in statute. This applies only for the 2020-2021 school year. Because COVID-19 has caused a disruption in the provision of educational services during the 2020-2021 school year, this emergency rule is necessary to protect the health, safety, and welfare of those students by ensuring that there will be regulations in place that provide LEAs with notice of the criteria set forth by the board on July 7, 2020. As a result, the board finds a compelling governmental interest, which requires this emergency action. The scope of this emergency rule 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 rule is fair to all interested persons and parties under the circumstances. A proposed*

*rule covering this same material is published in this issue of the Missouri Register. This emergency rule was filed on July 15, 2020, becomes effective August 1, 2020, and expires February 25, 2021.*

(1) The following definitions apply to this rule:

(A) Alternative Methods of Instruction (AMI) Plan: The AMI plan is the plan submitted to and approved by the Department of Elementary and Secondary Education (department), enabled by section 171.033.5(2), and that allows the claiming of limited attendance when schools are closed due to exceptional circumstances;

(B) Alternative Methods of Instruction-Extended (AMI-X) Plan: The AMI-X plan is the plan submitted to and approved by the department, enabled by this rule, and that allows the claiming of attendance when schools are closed or onsite attendance is modified due to COVID-19 during the 2020-2021 school year;

(C) Distanced Instruction: Students are offsite and receive instruction through online means or through the use of physical materials. Instruction includes teacher interaction as approved by the department in the LEA's AMI-X plan;

(D) Fixed Blended Instruction: Students receive instruction under a planned pattern of onsite and distanced instruction that includes a minimum equivalent of two (2) full days of onsite instruction per week. For the purpose of this rule, fixed-blended calendars are designed to support social distancing;

(E) Instruction During Quarantine: A group of students, such as a classroom or bus roster, receive distanced instruction for an identified period of time to protect public health;

(F) Intermittent Blended Instruction: Students in an entire school building or LEA receive distanced instruction during a period of interruption to the planned pattern. The planned pattern of onsite or fixed blended instruction is interrupted by local conditions that prevent any onsite instruction; and

(G) Onsite Instruction: Students are physically present at the school under the guidance and direction of teachers in the teaching process.

(2) LEAs that choose to offer instruction using fixed blended, instruction during quarantine, and/or intermittent blended models, must submit an AMI-X plan to be approved by the department prior to implementation to claim attendance for payment purposes. AMI-X plans may be submitted electronically to the department via the following link: <https://dese.mo.gov/quality-schools/alternative-methods-instruction>.

(A) LEAs may submit plans with models other than those defined in this rule for review and consideration by the department. The department's approval will be conditioned on the plan's compliance with state law and the ability to safely provide high quality instruction to students.

(3) LEAs that have received department approval for AMI-X plans under section (2) prior to their implementation may claim attendance hours for distanced instruction as part of fixed blended, instruction during quarantine, and intermittent blended instruction. In such instances, distance instruction attendance will be calculated using the individual student actual onsite rate for the year.

(4) Hours associated with distanced instruction learning as part of fixed blended instruction and intermittent blended instruction are considered hours in session for the purposes of establishing minimum calendar requirement per sections 163.021 and 171.031, RSMo.

*AUTHORITY: section 161.092, RSMo 2016, and sections 163.021 and 171.031, RSMo Supp. 2019. Emergency rule filed July 15, 2020, effective Aug. 1, 2020, expires Feb. 25, 2021. A proposed rule covering this same material is published in this issue of the Missouri Register.*

*PUBLIC COST: This emergency rule is estimated to cost state agencies or political subdivisions up to one hundred twenty-five thousand dollars (\$125,000) for the duration of this emergency rule.*

*PRIVATE COST: This emergency rule is estimated to cost individual private entities up to twenty-five thousand dollars (\$25,000) for the duration of this emergency rule.*

**FISCAL NOTE  
PUBLIC COST**

**I. Title 5 - Department of Elementary and Secondary Education  
Division 30 - Division of Financial and Administrative Services  
Chapter 660 - School Finance**

|                              |  |
|------------------------------|--|
| <b>Rule Number and Name:</b> | 5 CSR 30-660.085 Attendance Hour Reporting |
| <b>Type of Rulemaking:</b>   | Emergency Rule                             |

**II. SUMMARY OF FISCAL IMPACT**

| Affected Agency or Political Subdivision                  | Estimated Cost of Compliance in the Aggregate |
|---|---|
| 0-555 Local Education Agencies (LEAs) and Charter Schools | \$0-\$125,000                                 |
|   |   |
|   |   |

**III. WORKSHEET**

The Missouri Department of Elementary and Secondary Education (department) estimates that individual costs associated with changes to Local Education Agencies' (LEAs') student information systems, which are necessary to comply with this Emergency Rule, will vary depending on the LEA and vendor.

The department estimates the vendor's absorbed costs to be from \$0-\$50,000 per vendor. The department assumes that these costs will be one-time costs for the vendor, and that there may be some additional costs assessed by the vendor to the individual LEA.

There are potentially up to five vendors that may assess costs to LEAs to update their student information systems.

The department estimates 50% of these costs may be assessed during the time this Emergency Rule is in effect.

$$5 \times \$50,000 = \$250,000 \times 50\% = \$125,000.$$

**IV. ASSUMPTIONS**

The department contacted the following Missouri student information system vendors to attempt to determine the fiscal impact of this Emergency Rule:

- Chalkable
- Common Goal Systems
- EduPoint
- Harris Computer Systems
- Infinite Campus
- Lumen
- PowerSchool
- STI
- Tyler

Of these nine vendors, only five responded to the department.

Four vendors indicated that they did not intend to pass any anticipated costs associated with this regulation on to the LEAs. The department would note that the vendors in this category provide services to approximately 80% or more of the LEAs

A fifth vendor stated that it could not promise that it would not waive its fees to the LEA that it contracts with. The vendor did not provide what the estimated cost to the LEA would be. Without this information, the department does not have any mechanism by which to produce a public fiscal impact. The department would note that it did estimate, based on prior experience, that the cost to update the LEA student information systems for those vendors that do not pass on their costs will range from \$0-\$50,000, depending on LEA and vendor need. The department is unable to estimate any additional costs the vendors may assess to the LEAs.

The department assumes that approximately half of any costs assessed by vendors to LEAs will be applied before the 2020-2021 school year begins, and that half of the costs may be assessed after the expiration of the Emergency Rule. That being the case, there are continuing costs reflected in the Proposed Rule the department filed in conjunction with this Emergency Rule.

**FISCAL NOTE  
PRIVATE COST**

**I. Title 5 - Department of Elementary and Secondary Education  
Division 30 - Division of Financial and Administrative Services  
Chapter 660 - School Finance**

|                               |  |
|-------------------------------|--|
| <b>Rule Number and Title:</b> | 5 CSR 30-660.085 Attendance Hour Reporting |
| <b>Type of Rulemaking:</b>    | Emergency Rule                             |

**II. SUMMARY OF FISCAL IMPACT**

| Estimate of the number of entities by class which would likely be affected by the adoption of the rule: | Classification by types of the business entities which would likely be affected: | Estimate in the aggregate as to the cost of compliance with the rule by the affected entities: |
|---|--|--|
| 4   | education software vendors   | \$0-\$100,000  |
|   |  |  |
|   |  |  |
|   |  |  |

**III. WORKSHEET**

The Missouri Department of Elementary and Secondary Education (department) estimates that individual costs associated with changes to Local Education Agencies' (LEAs') student information systems, which are necessary to comply with this Emergency Rule will vary, depending on the LEA and vendor.

The department estimates the vendor's absorbed costs to be from \$0-\$50,000 per vendor.

There are at least four vendors that indicated they do not intend to pass on the costs associated with updates to LEA's student information systems. The department assumes that these will be one-time costs for the vendor.

The department estimates 50% of these costs may be assessed during the time this Emergency Rule is in effect.

$$4 \times \$50,000 = \$200,000 \times 50\% = \$100,000.$$

**IV. ASSUMPTIONS**

The department contacted the following Missouri student information system vendors to attempt to determine the fiscal impact of this Emergency Rule:

- Chalkable



- Common Goal Systems
- EduPoint
- Harris Computer Systems
- Infinite Campus
- Lumen
- PowerSchool
- STI
- Tyler

Of these nine vendors, only five responded to the department.

Four vendors indicated that they did not intend to pass any anticipated costs associated with this regulation on to the LEAs. The vendors would not provide what they anticipated for internal costs.

A fifth vendor stated that it could not promise that it would not waive its fees to the LEA that it contracts with.

The department has estimated, based on prior experience, that the cost to update the LEA student information systems for those vendors that do not pass on their costs will range from \$0-\$50,000, depending on LEA and vendor need.

The department assumes that approximately half of any costs assessed by vendors to LEAs will be applied before the 2020-2021 school year begins, and that half of the costs may be assessed after the expiration of the Emergency Rule. That being the case, there are continuing costs reflected in the Proposed Rule the department filed in conjunction with this Emergency Rule.

**T**he Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo.

## GOVERNOR'S PROCLAMATION

WHEREAS, crime rates have rapidly increased across our nation and state, primarily in urban areas; and

WHEREAS, Missouri is on track to have its deadliest year on record, having already experienced more homicides in the first half of 2020 than the entire year of 2019; and

WHEREAS, due to the COVID-19 outbreak, the General Assembly was only able to meet in limited fashion during the Second Regular Session of the One Hundredth General Assembly; and

WHEREAS, this unprecedented wave of violent crime presents an immediate threat to the health and safety of many Missourians; and

WHEREAS, protecting our citizens and the witnesses and victims of violent crimes is the paramount concern of our criminal justice system; and

WHEREAS, immediate legislative measures must be taken to further equip and enhance our criminal justice system to fight violent crime in Missouri and protect our citizens and residents.

NOW THEREFORE, on the extraordinary occasion that exists in the State of Missouri:

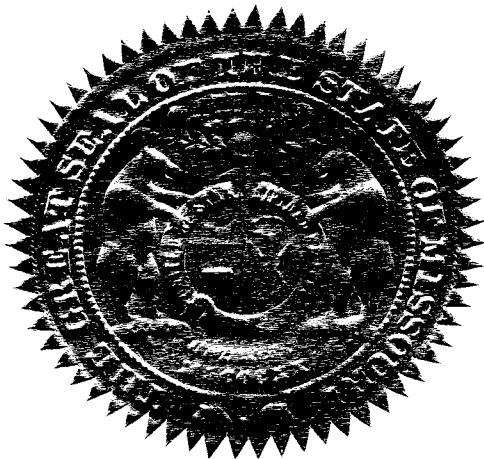
I, MICHAEL L. PARSON, GOVERNOR OF THE STATE OF MISSOURI, pursuant to the authority vested in me as Governor by the Constitution of the State of Missouri, do, by this Proclamation, convene the One Hundredth General Assembly of the State of Missouri in the First Extra Session of the Second Regular Session; and

I HEREBY call upon the Senators and Representatives of said General Assembly to meet in the State Capitol in the City of Jefferson at the hour of 12:00 p.m. on Monday, July 27, 2020; and

I HEREBY state that the action of said General Assembly is deemed necessary concerning each matter specifically designated and limited hereinafter as follows:

1. To enact legislation amending Section 84.344, RSMo for the sole purpose of removing the requirement that police officers in the City of St. Louis are required to maintain a residence in the City for at least seven years;
2. To enact legislation amending Section 211.071, RSMo to require courts to consider whether juveniles should be certified as adults in criminal cases for the offenses of unlawful use of a weapon and armed criminal action;
3. To add a new section to Chapter 285, RSMo to prohibit public safety employees of the City of St. Louis from being required to reside within the city limits;

4. To add a new section to Chapter 491, RSMo to allow for witness statement admissibility in court that would not otherwise be admissible, if the court finds that the defendant engaged in wrongdoing with the purpose of preventing the witness from testifying in the proceeding and the witness fails to appear;
5. To add a new section to Chapter 491, RSMo that creates a pretrial witness protection services fund where the Department of Public Safety may disburse money from the fund to law enforcement agencies for the purposes of providing security of witnesses, potential witnesses, and their immediate families in criminal proceedings or investigations, subject to appropriation from the General Assembly;
6. To enact legislation amending Section 568.045, RSMo in order to criminalize acts where a person knowingly encourages, aids, or causes a child less than seventeen years of age to engage in any weapons offense;
7. To enact legislation amending Section 571.060, RSMo to increase the penalty from a class A misdemeanor to a class E felony for persons who knowingly sell or deliver a firearm to a child less than eighteen years of age without the consent of the child's parent or guardian;
8. To add an Emergency Clause to all legislation enacted by the One Hundredth General Assembly, of the State of Missouri in the First Extra Session of the Second Regular Session;
9. To allow the Senate to consider appointments to boards, commissions, departments, and divisions that require the advice and consent of the Senate; and
10. Such additional and other matters as may be recommended by the Governor by special message to the General Assembly after it shall have been convened.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 15<sup>th</sup> day of July, 2020.

MICHAEL L. PARSON  
GOVERNOR

ATTEST:

  
JOHN R. ASHCROFT  
SECRETARY OF STATE

**U**nder this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

**E**ntirely new rules are printed without any special symbolology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

**A**n important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

**I**f an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

**A**n agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety- (90-) day-count necessary for the filing of the order of rulemaking.

**I**f an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

is the plan submitted to and approved by the Department of Elementary and Secondary Education (department), enabled by section 171.033.5(2), RSMo, and that allows the claiming of limited attendance when schools are closed due to exceptional circumstances;

(B) Alternative Methods of Instruction-Extended (AMI-X) Plan: The AMI-X plan is the plan submitted to and approved by the department, enabled by this rule, and that allows the claiming of attendance when schools are closed or onsite attendance is modified due to COVID-19 during the 2020-2021 school year;

(C) Distanced Instruction: Students are offsite and receive instruction through online means or through the use of physical materials. Instruction includes teacher interaction as approved by the department in the LEA's AMI-X plan;

(D) Fixed Blended Instruction: Students receive instruction under a planned pattern of onsite and distanced instruction that includes a minimum equivalent of two (2) full days of onsite instruction per week. For the purpose of this rule, fixed-blended calendars are designed to support social distancing;

(E) Instruction During Quarantine: A group of students, such as a classroom or bus roster, receive distanced instruction for an identified period of time to protect public health;

(F) Intermittent Blended Instruction: Students in an entire school building or LEA receive distanced instruction during a period of interruption to the planned pattern. The planned pattern of onsite or fixed blended instruction is interrupted by local conditions that prevent any onsite instruction; and

(G) Onsite Instruction: Students are physically present at the school under the guidance and direction of teachers in the teaching process.

(2) LEAs that choose to offer instruction using fixed blended, instruction during quarantine, and/or intermittent blended models, must submit an AMI-X plan to be approved by the department prior to implementation to claim attendance for payment purposes. AMI-X plans may be submitted electronically to the department via the following link: <https://dese.mo.gov/quality-schools/alternative-methods-instruction>.

(A) LEAs may submit plans with models other than those defined in this rule for review and consideration by the department. The department's approval will be conditioned on the plan's compliance with state law and the ability to safely provide high quality instruction to students.

(3) LEAs that have received department approval for AMI-X plans under section (2) prior to their implementation may claim attendance hours for distanced instruction as part of fixed blended, instruction during quarantine, and intermittent blended instruction. In such instances, distance instruction attendance will be calculated using the individual student actual onsite rate for the year.

(4) Hours associated with distanced instruction learning as part of fixed blended instruction and intermittent blended instruction are considered hours in session for the purposes of establishing minimum calendar requirement per sections 163.021 and 171.031, RSMo.

*AUTHORITY:* section 161.092, RSMo 2016, and sections 163.021 and 171.031, RSMo Supp. 2019. Original rule filed July 15, 2020.

*PUBLIC COST:* This proposed rule is estimated to cost state agencies or political subdivisions up to one hundred twenty-five thousand dollars (\$125,000) for the duration of this rule.

*PRIVATE COST:* This proposed rule is estimated to cost individual private entities up to twenty-five thousand dollars (\$25,000) for the duration of this rule.

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

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

**PROPOSED RULE**

**5 CSR 30-660.085 Attendance Hour Reporting**

*PURPOSE:* This rule establishes policies and standards for local education agencies (LEAs) for maintaining attendance hour records in accordance with Chapter 163, RSMo, to meet the health and safety needs of students and faculty if social distancing is necessary due to COVID-19 during the 2020-2021 school year.

(1) The following definitions apply to this rule:

(A) Alternative Methods of Instruction (AMI) Plan: The AMI plan

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Elementary and Secondary Education, ATTN: Kari Monsees, Division of Financial and Administrative Services, PO Box 480, Jefferson City, MO 65102-0480, or by email to DESE.AdminRules@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE  
PUBLIC COST**

**I. Title 5 - Department of Elementary and Secondary Education  
Division 30 - Division of Financial and Administrative Services  
Chapter 660 - School Finance**

|                              |  |
|------------------------------|--|
| <b>Rule Number and Name:</b> | 5 CSR 30-660.085 Attendance Hour Reporting |
| <b>Type of Rulemaking:</b>   | Proposed Rule                              |

**II. SUMMARY OF FISCAL IMPACT**

| Affected Agency or Political Subdivision                  | Estimated Cost of Compliance in the Aggregate |
|---|---|
| 0-555 Local Education Agencies (LEAs) and Charter Schools | \$0-\$125,000                                 |
|   |   |
|   |   |

**III. WORKSHEET**

The Missouri Department of Elementary and Secondary Education (department) estimates that individual costs associated with changes to Local Education Agencies' (LEAs') student information systems, which are necessary to comply with this Proposed Rule, will vary depending on the LEA and vendor.

The department estimates the vendor's absorbed costs to be from \$0-\$50,000 per vendor. The department assumes that these costs will be one-time costs for the vendor, and that there may be some additional costs assessed by the vendor to the individual LEA.

There are potentially up to five vendors that may assess costs to LEAs to update their student information systems.

The department estimates 50% of these costs may be assessed during the time this Proposed Rule is in effect.

$$5 \times \$50,000 = \$250,000 \times 50\% = \$125,000.$$

**IV. ASSUMPTIONS**

The department contacted the following Missouri student information system vendors to attempt to determine the fiscal impact of this Proposed Rule:

- Chalkable
- Common Goal Systems
- EduPoint
- Harris Computer Systems
- Infinite Campus
- Lumen
- PowerSchool
- STI
- Tyler

Of these nine vendors, only five responded to the department.

Four vendors indicated that they did not intend to pass any anticipated costs associated with this regulation on to the LEAs. The department would note that the vendors in this category provide services to approximately 80% or more of the LEAs

A fifth vendor stated that it could not promise that it would not waive its fees to the LEA that it contracts with. The vendor did not provide what the estimated cost to the LEA would be. Without this information, the department does not have any mechanism by which to produce a public fiscal impact. The department would note that it did estimate, based on prior experience, that the cost to update the LEA student information systems for those vendors that do not pass on their costs will range from \$0-\$50,000, depending on LEA and vendor need. The department is unable to estimate any additional costs the vendor may assess to the LEAs.

The department assumes that approximately half of any costs assessed by vendors to LEAs will be applied before the 2020-2021 school year begins, and that half of the costs may be assessed after the expiration of the Emergency Rule. That being the case, there are initial costs reflected in the Emergency Rule the department filed in conjunction with this Proposed Rule.

**FISCAL NOTE  
PRIVATE COST**

**I. Title 5 - Department of Elementary and Secondary Education  
Division 30 - Division of Financial and Administrative Services  
Chapter 660 - School Finance - 660**

|                               |  |
|-------------------------------|--|
| <b>Rule Number and Title:</b> | 5 CSR 30-660.085 Attendance Hour Reporting |
| <b>Type of Rulemaking:</b>    | Proposed Rule                              |

**II. SUMMARY OF FISCAL IMPACT**

| Estimate of the number of entities by class which would likely be affected by the adoption of the rule: | Classification by types of the business entities which would likely be affected: | Estimate in the aggregate as to the cost of compliance with the rule by the affected entities: |
|---|--|--|
| 4   | education software vendors   | \$0-\$100,000  |
|   |  |  |
|   |  |  |
|   |  |  |

**III. WORKSHEET**

The Missouri Department of Elementary and Secondary Education (department) estimates that individual costs associated with changes to Local Education Agencies' (LEAs') student information systems, which are necessary to comply with this Proposed Rule will vary, depending on the LEA and vendor.

The department estimates the vendor's absorbed costs to be from \$0-\$50,000 per vendor.

There are at least four vendors that indicated they do not intend to pass on the costs associated with updates to LEA's student information systems. The department assumes that these will be one-time costs for the vendor.

The department estimates 50% of these costs may be assessed during the time this Proposed Rule is in effect.

$$4 \times \$50,000 = \$200,000 \times 50\% = \$100,000.$$

**IV. ASSUMPTIONS**

The department contacted the following Missouri student information system vendors to attempt to determine the fiscal impact of this Proposed Rule:

- Chalkable



- Common Goal Systems
- EduPoint
- Harris Computer Systems
- Infinite Campus
- Lumen
- PowerSchool
- STI
- Tyler

Of these nine vendors, only five responded to the department.

Four vendors indicated that they did not intend to pass any anticipated costs associated with this regulation on to the LEAs. The vendors would not provide what they anticipated for their internal costs.

A fifth vendor stated that it could not promise that it would not waive its fees to the LEA that it contracts with.

The department has estimated, based on prior experience, that the cost to update the LEA student information systems for those vendors that do not pass on their costs will range from \$0-\$50,000, depending on LEA and vendor need.

The department assumes that approximately half of any costs assessed by vendors to LEAs will be applied before the 2020-2021 school year begins, and that half of the costs may be assessed after the expiration of the Emergency Rule. That being the case, there are initial costs reflected in the Emergency Rule the department filed in conjunction with this Proposed Rule.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 10—Air Conservation Commission**  
**Chapter 6—Air Quality Standards, Definitions, Sampling**  
**and Reference Methods and Air Pollution Control**  
**Regulations for the Entire State of Missouri**

**PROPOSED AMENDMENT**

**10 CSR 10-6.110 Reporting Emission Data, Emission Fees, and Process Information.** The commission proposes to amend subsection (3)(A) and (4)(B). If the commission adopts this rule action, it will be the department's intention to submit the changes to subsection (4)(B) to the U.S. Environmental Protection Agency to update the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Proposed Rules website <https://apps5.mo.gov/proposed-rules/welcome.action#OPEN2>.

*PURPOSE: This rule provides procedures for reporting emission-related information and establishing emission fees for the purpose of state air-resource planning. The purpose of this amendment is to change the air-emission fee structure pursuant to section 643.079.10, RSMo. This proposed rulemaking will increase the emission fee for permitted sources from forty-eight dollars (\$48) to fifty-three dollars (\$53) per ton of emissions in calendar year 2021, and increase to fifty-five dollars (\$55) per ton of emissions in calendar year 2022 and beyond. The increased emission fee will enable the department's Air Pollution Control Program to remain solvent and maintain its authority as the implementing agency of the federal Clean Air Act in the state of Missouri. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is section 643.079.10, RSMo, and the March 2, 2020, Air Program Advisory Forum Fee Stakeholder Meeting.*

(3) General Provisions.

(A) Emission Fees.

1. Any installation subject to this rule, except sources that produce charcoal from wood, shall pay an annual emission fee per ton of applicable pollutant emissions identified in Table 2 of this rule based on previous calendar year emissions and in accordance with paragraphs (3)(A)2. through (3)(A)7. of this rule. The emission fee shall be *[forty-eight dollars and no cents (\$48.00) per ton] fifty-three dollars and no cents (\$53.00) per ton emitted in calendar year 2021, and fifty-five dollars and no cents (\$55.00) per ton emitted in calendar year 2022 and thereafter.*

2. For Full Emissions Reports, the fee is based on the information provided in the installation's emissions report. For sources which qualify for and use the Reduced Reporting Form, the fee shall be based on the last Full Emissions Report.

3. The fee shall apply to the first four thousand (4,000) tons of each air pollutant subject to fees as identified in Table 2 of this rule. No installation shall be required to pay fees on total emissions in excess of twelve thousand (12,000) tons for any reporting year. An installation subject to this rule which emitted less than one (1) ton of all pollutants subject to fees shall pay a fee for one (1) ton.

4. An installation which pays emission fees to a holder of a certificate of authority issued pursuant to section 643.140, RSMo, may deduct those fees from the emission fee due under this section.

5. The fee imposed in paragraph (3)(A)1. of this rule shall not apply to NH<sub>3</sub>, CO, PM<sub>2.5</sub>, or HAPs reported as PM<sub>10</sub> or VOC, as summarized in Table 2 of this rule.

6. Emission fees for the reporting year are due June 1 after each reporting year. The fees shall be payable to the Missouri Department of Natural Resources.

7. To determine emission fees, an installation shall be consid-

ered one (1) source as defined in section 643.078.2, RSMo, except that an installation with multiple operating permits shall pay emission fees separately for air pollutants emitted under each individual permit.

**TABLE 2. Pollutant Fee Applicability**

| <b>Pollutants Subject to Fees</b> | <b>Pollutants Not Subject to Fees</b>    |
|-----------------------------------|--|
| PM <sub>10</sub> pri              | PM <sub>2.5</sub> pri                    |
| SO <sub>2</sub>                   | CO                                       |
| NO <sub>x</sub>                   | NH <sub>3</sub>                          |
| VOC                               | HAPs reported as PM <sub>10</sub> or VOC |
| HAP                               |  |
| Lead                              |  |

(4) Reporting and Record Keeping. All data collected and recorded in accordance with the provisions of this rule shall be retained by the owner or operator for not less than five (5) years after the end of the calendar year in which the data was collected, and all these records shall be made available upon the director's request.

(B) Types and Frequency of Reporting. The requirements in this subsection are summarized in Table 4 of this rule.

1. All sources (Part 70, intermediate, and small) must submit a Full Emissions Report for the first full calendar year of operation and, for point sources, a Full Emissions Report is required for an initial partial year of operation.

2. Starting with reporting year 2011, subsequent years of operation reports or forms shall be submitted as follows:

A. Part 70 sources must continue to submit a Full Emissions Report annually;

B. Intermediate sources must submit a Full Emissions Report every third year after 2011 (subsequent years 2014, 2017, 2020, etc.) and may submit a Reduced Reporting Form in other years unless either or both of the following apply:

(I) Any change in installation-wide emissions subject to fees of plus or minus five (5) tons or more since the last Full Emissions Report submitted requires a Full Emissions Report for that year; and

(II) A construction permit action issued under 10 CSR 10-6.060 section (5) or (6) requires a Full Emissions Report for the first full year the affected permitted equipment operates; and

C. Small sources may submit a Reduced Reporting Form for all subsequent years after a Full Emissions Report unless either or both of the following apply:

(I) Any change in installation-wide emissions subject to fees of plus or minus five (5) tons or more since the last Full Emissions Report submitted requires a Full Emissions Report for that year; and

(II) A construction permit action issued under 10 CSR 10-6.060 section (5) or (6) requires a Full Emissions Report for the first full year the affected permitted equipment operates.

3. An installation may choose to complete a Full Emissions Report in any year.

TABLE 4. Summary of Types and Frequency of Reporting

| Installation classification | Emission Year                                    |  |  |  |  |  |  | Years Beyond [2017]2026* |
|-----------------------------|--|--|--|--|--|--|--|--------------------------|
|                             | [2011] 2020                                      | [2012] 2021                                      | [2013] 2022                                      | [2014] 2023                                      | [2015] 2024                                      | [2016] 2025                                      | [2017] 2026                                      |                          |
| Part 70                     | Full Emissions Report                            | Full Emissions Report                            | Full Emissions Report                            | Full Emissions Report                            | Full Emissions Report                            | Full Emissions Report                            | Full Emissions Report                            | *                        |
| Intermediate                | Full Emissions Report                            | Reduced Reporting Form (subparagraph (4)(B)2.B.) | Reduced Reporting Form (subparagraph (4)(B)2.B.) | Full Emissions Report                            | Reduced Reporting Form (subparagraph (4)(B)2.B.) | Reduced Reporting Form (subparagraph (4)(B)2.B.) | Full Emissions Report                            | *                        |
| Small Source                | Reduced Reporting Form (subparagraph (4)(B)2.C.) | Reduced Reporting Form (subparagraph (4)(B)2.C.) | Reduced Reporting Form (subparagraph (4)(B)2.C.) | Reduced Reporting Form (subparagraph (4)(B)2.C.) | Reduced Reporting Form (subparagraph (4)(B)2.C.) | Reduced Reporting Form (subparagraph (4)(B)2.C.) | Reduced Reporting Form (subparagraph (4)(B)2.C.) | *                        |

\*Reporting requirements for years beyond [2017] 2026 are repeated in three (3)-year cycles. (e.g. requirements for years [2018] 2027, [2019] 2028, and [2020] 2029 are the same as years [2012] 2021, [2013] 2022, and [2014] 2023 respectively)

*AUTHORITY:* section 643.050, RSMo 2016. Original rule filed June 13, 1984, effective Nov. 12, 1984. For intervening history, please consult the *Code of State Regulations*. Amended: Filed July 15, 2020.

*Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.*

*PUBLIC COST:* This proposed amendment will cost sixty-one thousand four hundred eighty-five dollars (\$61,485) in FY 2022 (emission year 2021). The proposed amendment will cost eighty-six thousand seventy-nine dollars (\$86,079) in FY 2023 (emission years 2022 and forward). The annual cost for each year beyond FY 2023 is eighty-six thousand seventy-nine dollars (\$86,079) for the life of the rule. Note the attached fiscal note for assumptions that apply.

*PRIVATE COST:* This proposed amendment will cost six hundred nine thousand one hundred ninety dollars (\$609,190) in FY 2022 (emission year 2021). The proposed amendment will cost eight hundred fifty-two thousand eight hundred sixty-six dollars (\$852,866) in FY 2023 (emission year 2022). The proposed amendment will cost eight hundred twenty-two thousand forty-five dollars (\$822,045) for each year beyond FY 2023 for the life of the rule. Note the attached fiscal note for assumptions that apply.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:* A public hearing on this proposed amendment will begin at 9:00 a.m., September 24, 2020. The public hearing will be held online with live video streaming available at <https://dnr.mo.gov/videos/live.htm> and by conference phone line at 866-289-6713. A recording of the public hearing meeting will be available at <https://dnr.mo.gov/env/apcp/macc.htm>. Opportunity to be sworn in by the court reporter over the phone to give testimony at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a statement of their views until 5:00 p.m., October 1, 2020. Send online comments via the proposed rules web page [www.dnr.mo.gov/proposed-rules](http://www.dnr.mo.gov/proposed-rules), email comments to [apcprulespn@dnr.mo.gov](mailto:apcprulespn@dnr.mo.gov), or written comments to Chief,

**FISCAL NOTE**

**PUBLIC COST**

**II. RULE NUMBER**

|                       |  |
|-----------------------|--|
| Rule Number and Name: | <i>10 CSR 10-6.110 Reporting Emission Data, Emission Fees, and Process Information</i> |
| Type of Rulemaking:   | Proposed Amendment   |

**II. SUMMARY OF FISCAL IMPACT**

| Affected Agency or Political Subdivision  | Estimated Cost of Compliance in the Aggregate   |
|---|---|
| <i>The DNR will incur no additional costs to implement the proposed rule amendment. The electronic systems to collect emission data and emission fees for facilities subject to this rule will remain in place and require only one change to the fee per ton value.</i>  | <i>No cost to DNR</i>   |
| <i>State agencies subject to this rule include the Missouri Department of Corrections, the Missouri Department of Transportation, the Missouri Department of Health, and the Office of Administration. Other municipal entities that are subject include municipal fossil-fuel electric generating plants, wastewater treatment facilities, animal shelters with pet crematories, hospitals, law enforcement agencies with incinerators, levee districts, and universities.</i> | <i>The resultant costs to state agencies and other municipal entities is \$61,485 for emission year 2021, payable by June 1, 2022 during fiscal year 2022. The cost is \$86,079 for emission year 2022, payable by June 1, 2023 during fiscal year 2023. The annual cost remains \$86,079 for emission year 2023 forward, payable by June 1 of each following year. The ten-year combined costs are \$836,196. The rule will continue beyond the ten-year period at the same annual cost as emission year 2023, with no sunset provision.</i> |

**III. Worksheet**

| SIC Description                     | 2021 Chargeable Emissions (tons) | 2021 Emission Fee at proposed \$53/ton | 2022 Chargeable Emissions (tons) | 2022 Emission Fee at proposed \$55/ton | 2023 Chargeable Emissions (and beyond, tons) | 2023 Emission Fee (and beyond) at proposed \$55/ton |
|-------------------------------------|----------------------------------|--|----------------------------------|--|--|---|
| Agriculture, Forestry, and Fishing  | -                                | -                                      | -                                | -                                      | -  | -   |
| Construction                        | -                                | -                                      | -                                | -                                      | -  | -   |
| Finance, Insurance, and Real Estate | -                                | -                                      | -                                | -                                      | -  | -   |
| Manufacturing                       | 175                              | \$ 9,275                               | 175                              | \$ 9,625                               | 175  | \$ 9,625  |
| Mining                              | -                                | -                                      | -                                | -                                      | -  | -   |
| Public Administration               | 113                              | \$ 5,989                               | 113                              | \$ 6,215                               | 113  | \$ 6,215  |
| Retail Trade                        | -                                | -                                      | -                                | -                                      | -  | -   |
| Services                            | 1,551                            | \$ 82,203                              | 1,551                            | \$ 85,305                              | 1,551  | \$ 85,305   |

| SIC Description                                  | 2021 Chargeable Emissions (tons) | 2021 Emission Fee at proposed \$53/ton | 2022 Chargeable Emissions (tons) | 2022 Emission Fee at proposed \$55/ton | 2023 Chargeable Emissions (and beyond, tons) | 2023 Emission Fee (and beyond) at proposed \$55/ton |
|--|----------------------------------|--|----------------------------------|--|--|---|
| Transportation, Communication, Sanitary Services | 10,458                           | \$ 554,274                             | 10,458                           | \$ 575,190                             | 10,458                                       | \$ 575,190  |
| Wholesale Trade                                  | -                                | -                                      | -                                | -                                      | -  | -   |
| <b>Grand Total</b>                               | <b>12,297</b>                    | <b>\$ 651,741</b>                      | <b>12,297</b>                    | <b>\$ 676,335</b>                      | <b>12,297</b>                                | <b>\$ 676,335</b>                                   |
| Emission Fees at \$48/ton                        |                                  | \$ 590,256                             |                                  | \$ 590,256                             |  | \$ 590,256  |
| <b>Net Emission Fee Increase</b>                 |                                  | <b>\$ 61,485</b>                       |                                  | <b>\$ 86,079</b>                       |  | <b>\$ 86,079</b>                                    |

Ten-year net increase in emission fees:

- Emission Year 2021: \$61,485
- Emission Year 2022: \$86,079
- Emission Year 2023: \$86,079
- Emission Year 2024: \$86,079
- Emission Year 2025: \$86,079
- Emission Year 2026: \$86,079
- Emission Year 2027: \$86,079
- Emission Year 2028: \$86,079
- Emission Year 2029: \$86,079
- Emission Year 2030: \$86,079

Total: \$836,196

Note: All figures are in current 2018 dollar values. No attempt is made to account for interest or inflation.

IV. Assumptions

The projection of chargeable emission tonnage includes the following assumptions:

1. Emission fee remains at \$48/ton for emission years 2019 and 2020. The proposed rule amendment will take effect for the 2021 emission year and forward, therefore those years include the proposed emission fee of \$53/ton for emission year 2021, and \$55/ton for emission years 2022 forward.
2. Rule requirements for the calculation of emissions subject to fees (chargeable emissions) remain unchanged, including the pollutants subject to fees, the emission caps of 4,000 tons per pollutant and 12,000 tons facility total, and facilities exempt from fees (charcoal kilns and facilities with no production and no emissions for the emission year).
3. Actual emissions for the continuous emission year, corresponding to the calendar year January 1 to December 31, are reported by facilities subject to air permits, per 10 CSR 10-6.110. The emission estimates presented here are based on reported 2018 total chargeable emissions.
4. Emission projections were done for all facilities subject to emission fees in 2018. The beginning year for the projections is the 2018 emission year actual reported emissions from all facilities subject to the rule. For the largest emission sources, facility-specific emission projections reflect emission changes due to shutdowns and emission reductions between 2018 and 2023. All other facilities are assumed to operate through the period. No estimates are added for new facilities that may open during the period. All facility emissions are assumed at a constant level at their 2023 emissions beyond that year.
5. Emission data for 2019 became available near the end of the rule analysis work, though some facilities did not complete their reports as of May 2020. The 2019 data has not been quality assured and was not used for these analyses.
6. The total lifetime rule cost may be reported for rules in the fiscal note. Data is provided for the first ten-year period, with annual data available in the worksheet above if projections are needed beyond ten years. Additional rule analyses are likely as this proposal does not fully meet program solvency needs, and the program is committed to working with fee stakeholders on future solvency issues.

7. All categorization of facilities into private and public ownership are assumed to remain the same as in 2018. No ownership changes from public to private, or vice versa, are expected.
8. All SIC assignments in 2018 are assumed to remain the same in future years.