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SALUS POPULI SUPREMA LEX ESTO

*"The welfare of the people shall be the supreme law."*



JASON KANDER  
SECRETARY OF STATE

MISSOURI  
REGISTER

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**SECRETARY OF STATE**

**JASON KANDER**

Administrative Rules Division

James C. Kirkpatrick State Information Center

600 W. Main

Jefferson City, MO 65101

(573) 751-4015

DIRECTOR

WAYLENE W. HILES

•

MANAGING EDITOR

CURTIS W. TREAT

•

EDITOR

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•

ASSISTANT EDITOR

VONNE KILBOURN

•

PUBLICATION TECHNICIAN

JACQUELINE D. WHITE

•

ADMINISTRATIVE ASSISTANT

ALISHA DUDENHOEFFER

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**RULES**—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

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

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation, i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within 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 paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

**RSMo**—The most recent version of the statute containing the section number and the date.

**R**ules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. 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) 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 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—MO HealthNet Division  
Chapter 10—Nursing Home Program**

**EMERGENCY AMENDMENT**

**13 CSR 70-10.016 Global Per Diem Adjustments to Nursing Facility and HIV Nursing Facility Reimbursement Rates.** The division is adding paragraph (3)(A)17.

*PURPOSE:* This amendment provides for a per diem increase to nursing facility and HIV nursing facility reimbursement rates by granting a three percent (3.0%) increase to the current per diem rate, excluding certain fixed cost items, effective for dates of service beginning July 1, 2013.

*EMERGENCY STATEMENT:* The Department of Social Services, MO HealthNet Division, by rule and regulation, must define the reasonable costs, manner, extent, quantity, quality, charges, and fees of medical assistance. Effective for dates of service beginning July 1, 2013, the appropriation by the General Assembly included additional funds to increase nursing facilities' and HIV nursing facilities' reimbursements to account for a trend adjustment for SFY 2014. The MO HealthNet Division is carrying out the General Assembly's intent by providing for a per diem increase to nursing facility and HIV nursing facility reimbursement rates through the implementation of a trend adjustment effective for dates of service beginning July 1, 2013 of a three percent (3.0%) increase to the reimbursement rate, exclud-

ing certain fixed cost items. The trend adjustment is necessary to ensure that payments for nursing facility and HIV nursing facility per diem rates are in line with the funds appropriated for that purpose. There is a total of five hundred and three (503) nursing facilities and HIV nursing facilities currently enrolled in MO HealthNet, which will receive a per diem increase to its reimbursement rate effective for dates of service beginning July 1, 2013. This emergency amendment will ensure payment for nursing facility and HIV nursing facility services to approximately twenty-four thousand (24,000) senior Missourians in accordance with the appropriation authority. For the State Fiscal Year 2014 payment to be made, a Medicaid State Plan Amendment was required to be submitted and approved by the Centers for Medicare and Medicaid Services (CMS). The State Plan Amendment was approved by CMS on February 10, 2014 but the proposed state regulation amendment will not be final until May 30, 2014. This emergency amendment must be implemented on a timely basis to ensure that quality nursing facility and HIV nursing facility services continue to be provided to MO HealthNet participants in nursing facilities and HIV nursing facilities during state fiscal year 2014 in accordance with the appropriation authority. As a result, the MO HealthNet Division finds an immediate danger to public health, safety, and/or welfare and a compelling governmental interest, which requires emergency action. The MO HealthNet Division has a compelling governmental interest in providing continued cash flow for nursing facility and HIV nursing facility services. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended by the *Missouri* and *United States Constitutions*. The MO HealthNet Division believes this emergency amendment is fair to all interested persons and parties under the circumstances. A proposed amendment covering this same material was published in the *Missouri Register* on December 2, 2013 (38 MoReg 2039-2042). The final order of rulemaking relating to that proposed amendment was filed with the Joint Committee on Administrative Rules on January 21, 2014, and was filed with the secretary of state on February 21, 2014. This emergency amendment was filed February 19, 2014, becomes effective March 1, 2014, and expires May 31, 2014.

(3) Adjustments to the Reimbursement Rates. Subject to the limitations prescribed in 13 CSR 70-10.015, a nursing facility's reimbursement rate may be adjusted as described in this section. Subject to the limitations prescribed in 13 CSR 70-10.080, an HIV nursing facility's reimbursement rate may be adjusted as described in this section.

(A) Global Per Diem Rate Adjustments. A facility with either an interim rate or a prospective rate may qualify for the global per diem rate adjustments. Global per diem rate adjustments shall be added to the specified cost component ceiling.

1. FY-96 negotiated trend factor—

A. Facilities with either an interim rate or prospective rate in effect on October 1, 1995, shall be granted an increase to their per diem effective October 1, 1995, of four and six-tenths percent (4.6%) of the cost determined in paragraphs (11)(A)1., (11)(B)1., (11)(C)1., and the property insurance and property taxes detailed in subsection (11)(D) of 13 CSR 70-10.015; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. of 13 CSR 70-10.015 that is in effect on October 1, 1995, shall have their increase determined by subsection (3)(S) of 13 CSR 70-10.015.

2. FY-97 negotiated trend factor—

A. Facilities with either an interim rate or prospective rate in effect on October 1, 1996, shall be granted an increase to their per diem effective October 1, 1996, of three and seven-tenths percent (3.7%) of the cost determined in paragraphs (11)(A)1., (11)(B)1., (11)(C)1., and the property insurance and property taxes detailed in subsection (11)(D) of 13 CSR 70-10.015; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. of 13 CSR 70-10.015 that is in effect on October 1, 1995, shall have their increase determined by subsection (3)(S) of 13 CSR 70-10.015.

3. Nursing Facility Reimbursement Allowance (NFRA). Effective October 1, 1996, all facilities with either an interim rate or a prospective rate shall have its per diem adjusted to include the current NFRA as an allowable cost in its reimbursement rate calculation.

4. Minimum wage adjustment. All facilities with either an interim rate or a prospective rate in effect on November 1, 1996, shall be granted an increase to their per diem effective November 1, 1996, of two dollars and forty-five cents (\$2.45) to allow for the change in minimum wage. Utilizing Fiscal Year 1995 cost report data, the total industry hours reported for each payroll category was multiplied by the fifty-cent (50¢) increase, divided by the patient days for the facilities reporting hours for that payroll category and factored up by eight and sixty-seven hundredths percent (8.67%) to account for the related increase to payroll taxes. This calculation excludes the director of nursing, the administrator, and assistant administrator.

5. Minimum wage adjustment. All facilities with either an interim rate or a prospective rate in effect on September 1, 1997, shall be granted an increase to their per diem effective September 1, 1997, of one dollar and ninety-eight cents (\$1.98) to allow for the change in minimum wage. Utilizing Fiscal Year 1995 cost report data, the total industry hours reported for each payroll category was multiplied by the forty-cent (40¢) increase, divided by the patient days for the facilities reporting hours for that payroll category and factored up by eight and sixty-seven hundredths percent (8.67%) to account for the related increase to payroll taxes. This calculation excludes the director of nursing, the administrator, and assistant administrator.

6. FY-98 negotiated trend factor—

A. Facilities with either an interim rate or prospective rate in effect on October 1, 1997, shall be granted an increase to their per diem effective October 1, 1997, of three and four-tenths percent (3.4%) of the cost determined in paragraphs (11)(A)1., (11)(B)1., (11)(C)1., and the property insurance and property taxes detailed in subsection (11)(D) of 13 CSR 70-10.015 for nursing facilities and 13 CSR 70-10.080 for HIV nursing facilities; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. of 13 CSR 70-10.015 that is in effect on October 1, 1995, shall have their increase determined by subsection (3)(S) of 13 CSR 70-10.015.

7. FY-99 negotiated trend factor—

A. Facilities with either an interim rate or prospective rate in effect on October 1, 1998, shall be granted an increase to their per diem effective October 1, 1998, of two and one-tenth percent (2.1%) of the cost determined in paragraphs (11)(A)1., (11)(B)1., (11)(C)1., the property insurance and property taxes detailed in subsection (11)(D) of 13 CSR 70-10.015 for nursing facilities and 13 CSR 70-10.080 for HIV nursing facilities, and the minimum wage adjustments detailed in paragraphs (3)(A)4. and (3)(A)5. of this regulation; or

B. Facilities that were granted a prospective rate based on paragraph (12)(A)2. of 13 CSR 70-10.015 that is in effect on October 1, 1998, shall have their increase determined by subsection (3)(S) of 13 CSR 70-10.015.

8. FY-2000 negotiated trend factor—

A. Facilities with either an interim rate or prospective rate in effect on July 1, 1999, shall be granted an increase to their per diem effective July 1, 1999, of one and ninety-four hundredths percent (1.94%) of the cost determined in subsections (11)(A), (11)(B), (11)(C), the property insurance and property taxes detailed in subsection (11)(D) of 13 CSR 70-10.015 for nursing facilities and 13 CSR 70-10.080 for HIV nursing facilities, and the minimum wage adjustments detailed in paragraphs (3)(A)4. and (3)(A)5. of this regulation; or

B. Facilities that were granted a prospective rate based on

paragraph (12)(A)2. of 13 CSR 70-10.015 that is in effect on July 1, 1999, shall have their increase determined by subsection (3)(S) of 13 CSR 70-10.015.

9. FY-2004 nursing facility operations adjustment—

A. Facilities with either an interim rate or prospective rate in effect on July 1, 2003, shall be granted an increase to their per diem effective for dates of service beginning July 1, 2003, through June 30, 2004, of four dollars and thirty-two cents (\$4.32) for the cost of nursing facility operations. Effective for dates of service beginning July 1, 2004, the per diem adjustment shall be reduced to three dollars and seventy-eight cents (\$3.78); and

B. The operations adjustment shall be added to the facility's current rate as of June 30, 2003, and is effective for payment dates after August 1, 2003.

10. FY-2007 quality improvement adjustment—

A. Facilities with either an interim rate or prospective rate in effect on July 1, 2006, shall be granted an increase to their per diem effective for dates of service beginning July 1, 2006, of three dollars and seventeen cents (\$3.17) to improve the quality of life for nursing facility residents; and

B. The quality improvement adjustment shall be added to the facility's current rate as of June 30, 2006, and is effective for dates of service beginning July 1, 2006, and after.

11. FY-2007 trend adjustment—

A. Facilities with either an interim rate or a prospective rate in effect on February 1, 2007, shall be granted an increase to their per diem rate effective for dates of service beginning February 1, 2007, of three dollars and zero cents (\$3.00) to allow for a trend adjustment to ensure quality nursing facility services; and

B. The trend adjustment shall be added to the facility's reimbursement rate as of January 31, 2007, and is effective for dates of service beginning February 1, 2007, for payment dates after March 1, 2007.

12. FY-2008 trend adjustment—

A. Facilities with either an interim rate or a prospective rate in effect on July 1, 2007, shall be granted an increase to their per diem rate effective for dates of service beginning July 1, 2007, of six dollars and zero cents (\$6.00) to allow for a trend adjustment to ensure quality nursing facility services; and

B. The trend adjustment shall be added to the facility's current rate as of June 30, 2007, and is effective for dates of service beginning July 1, 2007.

13. FY-2009 trend adjustment—

A. Facilities with either an interim rate or a prospective rate in effect on July 1, 2008, shall be granted an increase to their per diem rate effective for dates of service beginning July 1, 2008, of six dollars and zero cents (\$6.00) to allow for a trend adjustment to ensure quality nursing facility services; and

B. The trend adjustment shall be added to the facility's current rate as of June 30, 2008, and is effective for dates of service beginning July 1, 2008.

14. FY-2010 trend adjustment—

A. Facilities with either an interim rate or a prospective rate in effect on July 1, 2009, shall be granted an increase to their per diem rate effective for dates of service beginning July 1, 2009, of five dollars and fifty cents (\$5.50) to allow for a trend adjustment to ensure quality nursing facility services; and

B. The trend adjustment shall be added to the facility's current rate as of June 30, 2009, and is effective for dates of service beginning July 1, 2009.

15. FY-2012 trend adjustment—

A. Facilities with either an interim rate or a prospective rate in effect on October 1, 2011, shall be granted an increase to their per diem rate effective for dates of service beginning October 1, 2011, of six dollars and zero cents (\$6.00) to allow for a trend adjustment to ensure quality nursing facility services;

B. The trend adjustment shall be added to the facility's current rate as of September 30, 2011, and is effective for dates of service

beginning October 1, 2011; and

C. This increase is contingent upon the federal assessment rate limit increasing to six percent (6%) and is subject to approval by the Centers for Medicare and Medicaid Services.

16. FY-2013 trend adjustment—

A. Facilities with either an interim rate or a prospective rate in effect on July 1, 2012, shall be granted an increase to their per diem rate effective for dates of services beginning July 1, 2012, of six dollars and zero cents (\$6.00) to allow for a trend adjustment to ensure quality nursing facility services;

B. The trend adjustment shall be added to the facility's current rate as of June 30, 2012, and is effective for dates of service beginning July 1, 2012; and

C. This increase is contingent upon approval by the Centers for Medicare and Medicaid Services.

17. FY-2014 trend adjustment—

A. Facilities with either an interim rate or a prospective rate in effect on July 1, 2013, shall be granted an increase to their per diem rate effective for dates of services beginning July 1, 2013, of three percent (3%) of their current rate, less certain fixed cost items. The fixed cost items are the per diem amounts included in the facility's current rate from the following: subsection (2)(O) of 13 CSR 70-10.110, paragraphs (11)(D)1., (11)(D)2., (11)(D)3., (11)(D)4., (13)(B)3., and (13)(B)10. of 13 CSR 70-10.015;

B. The trend adjustment shall be added to the facility's current rate as of June 30, 2013, and is effective for dates of service beginning July 1, 2013; and

C. This increase is contingent upon approval by the Centers for Medicare and Medicaid Services.

*AUTHORITY: section 208.159, RSMo 2000, and sections 208.153 and 208.201, RSMo Supp. [2012] 2013. Emergency rule filed Oct. 3, 2008, effective Oct. 13, 2008, expired April 10, 2009. Original rule filed July 1, 2008, effective Jan. 30, 2009. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Feb. 19, 2014, effective March 1, 2014, expires May 31, 2014. Amended: Filed Oct. 30, 2013.*

**Title 22—MISSOURI CONSOLIDATED  
HEALTH CARE PLAN  
Division 10—Health Care Plan  
Chapter 2—State Membership**

**EMERGENCY AMENDMENT**

**22 CSR 10-2.094 Tobacco-Free Incentive Provisions and Limitations.** The Missouri Consolidated Health Care Plan is amending section (3).

*PURPOSE: This amendment revises the requirements for participation in the tobacco-free incentive and the method and timeframes in which the tobacco-cessation attestation form must be submitted.*

*EMERGENCY STATEMENT: For the first half of 2014, approximately seventy-eight percent (78%) of eligible members received the Tobacco-Free Incentive. Of that six percent (6%) attested to enroll in a tobacco cessation program. It is imperative that this rule be filed as an emergency amendment in order to maintain the integrity of the current health care plan. This emergency amendment must become effective May 1, 2014, to fulfill the compelling governmental interest of offering continuous health insurance to officers, state, and public entity employees, retirees, and their families. This emergency amendment allows members attempting to quit tobacco, to continue their cessation efforts for the balance of the 2014 plan year and is in accordance with federal wellness regulations (45 CFR 146.121) which requires that the alternative incentive be available the entire year to continue their cessation efforts. This emergency amendment*

*will allow members to take advantage of opportunities for reduced premiums for more affordable options in the 2014 plan year, without which they may forgo coverage. This emergency amendment reflects changes made to the plan by the MCHCP Board of Trustees. A proposed amendment, which covers the same material, is published in this issue of the Missouri Register. This emergency amendment complies with the protections extended by the Missouri and United States Constitutions and limits its scope to the circumstances creating the emergency. The MCHCP follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances. This emergency amendment was filed February 28, 2014, becomes effective May 1, 2014, and expires October 27, 2014.*

(3) Incentive Participation Requirement.

(B) To receive the incentive beginning on January 1, 2014, eligible members must do one (1) of the following:

1. Tobacco-free attestation.

A. The member must complete a tobacco-free attestation online through myMCHCP or submit a completed form by fax or mail during the period of October 1, 2013, through November 30, 2013. The form must be received by November 30, 2013; or

2. Tobacco cessation program attestation.

A. The member must complete a tobacco cessation program attestation online through myMCHCP or submit a completed form by fax or mail during the period of October 1, 2013, through November 30, 2013. The form must be received by November 30, 2013. The member also must participate in an MCHCP-approved tobacco cessation program as defined in sections (4) and (5).

(I) If a subscriber and/or his/her spouse become and remain tobacco-free three (3) months prior to May 31, 2014, s/he may continue to receive the incentive through December 31, 2014, if s/he completes a tobacco-free attestation through myMCHCP or submits a completed form by fax or mail by May 31, 2014. The form must be received by May 31, 2014.

(II) If a subscriber and/or his/her spouse completed the tobacco cessation program attestation and does not become tobacco-free three (3) months prior to May 31, 2014, s/he may continue to receive the incentive through December 31, 2014 if s/he completes another tobacco cessation program attestation online through myMCHCP or submits a completed form by fax or mail by May 31, 2014. The form must be received by May 31, 2014. The member also must again participate in an MCHCP-approved tobacco cessation program as defined in sections (4) and (5).

(C) An employee adding medical coverage with an effective date from November 1, 2013, through May 1, 2014; must complete a tobacco-free attestation or tobacco cessation program attestation within thirty-one (31) days of the subscriber's effective date. A covered spouse's attestation must be completed within thirty-one (31) days of enrollment. The incentive will start on the subscriber's effective date.

1. If a subscriber and/or his/her spouse complete the tobacco cessation program attestation and become and remain tobacco-free three (3) months prior to May 31, 2014, s/he can continue to receive the incentive through December 31, 2014, if s/he completes a tobacco-free attestation through myMCHCP or submits a completed form by fax or mail by May 31, 2014. A form must be received by May 31, 2014.

2. If a subscriber and/or his/her spouse completed the tobacco cessation program attestation and does not become tobacco-free three (3) months prior to May 31, 2014, s/he may continue to receive the incentive through December 31, 2014 if s/he completes another tobacco cessation program attestation online through myMCHCP or submits a completed form by fax or mail by May 31, 2014. The form must be received by May 31, 2014. The member also must again participate in an MCHCP-approved tobacco cessation program as defined in sections (4) and (5).

(D) An employee adding medical coverage with an effective date

after May 1, 2014 must **do one (1) of the following to receive the incentive:**

**1. [c]Complete the tobacco-free attestation form online through myMCHCP or submit a completed form by fax or mail to receive the incentive within thirty-one (31) days of the subscriber's effective date. A covered spouse's attestation must be completed within thirty-one (31) days of enrollment. The incentive will start on the subscriber's effective date./; or**

**2. Complete a tobacco cessation program attestation online through myMCHCP or submit a completed form by fax or mail to receive the incentive within thirty-one (31) days of the subscriber's effective date. A covered spouse's attestation must be completed within thirty-one (31) days of enrollment. The incentive will start on the subscriber's effective date. The member also must participate in an MCHCP-approved tobacco cessation program as defined in sections (4) and (5).**

*AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Nov. 1, 2011, effective Nov. 25, 2011, expired May 22, 2012. Original rule filed Nov. 1, 2011, effective April 30, 2012. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed Feb. 28, 2014, effective May 1, 2014, expires Oct. 27, 2014. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.*



**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.

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 10—Air Conservation Commission  
Chapter 5—Air Quality Standards and Air Pollution  
Control Rules Specific to the St. Louis Metropolitan  
Area**

**PROPOSED AMENDMENT**

**10 CSR 10-5.220 Control of Petroleum Liquid Storage, Loading and Transfer.** The commission proposes to amend subsections (1)(C), (2)(A), (3)(B)–(3)(E), (4)(B), and (5)(A)–(5)(C); delete subsection (3)(K) and original subsections (2)(B)–(2)(I), (3)(F), (4)(C), (4)(E), and (5)(D)–(5)(F); renumber and amend original subsections (3)(G)–(3)(J), (4)(F), and (5)(G); and renumber original subsections (2)(J) and (4)(D). If the commission adopts this rule action, it will be the department's intention to submit this rule amendment to the U.S. Environmental Protection Agency to replace the current rule that is in 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' Environmental Regulatory Agenda website, [www.dnr.mo.gov/regs/index.html](http://www.dnr.mo.gov/regs/index.html).

*PURPOSE: This rule restricts volatile organic compound emissions from the handling of petroleum liquids in five (5) specific areas: petroleum storage tanks with a capacity greater than forty thousand (40,000) gallons, the loading of gasoline into delivery vessels, the transfer of gasoline from delivery vessels into storage containers, gasoline delivery vessels, and the fueling of motor vehicles from storage containers. This rule is required to achieve the federally mandated reduction of hydrocarbon emissions in the St. Louis metropolitan area that contribute to the formation of ozone. This amendment will remove requirements for Stage II vapor recovery systems for gasoline dispensing facilities (GDFs) in the St. Louis area, use California Air Resources Board for certification of vapor recovery equipment in place of Missouri Performance Evaluation Test Procedure, codify the prohibition of above ground storage tanks that store gasoline at GDFs, and update the permitting provisions for vapor recovery systems. The evidence supporting the need for this proposed rulemaking, per 536.016, RSMo, is Federal Register notice 77 FR 28772, dated May 16, 2012, which is the U.S. Environmental Protection Agency's widespread use rule.*

(1) Applicability.

(C) Exemptions to *[t]*This *[r]*Rule *[include:]* and/or Specific Areas of This Rule.

1. *[Petroleum storage tanks that meet the following requirements shall be exempt from subsection (3)(A) of this rule:]* **Petroleum storage tanks. Subsection (3)(A) of this rule shall not apply to petroleum storage tanks that—**

A. *[Are used to s]Store* processed and/or treated petroleum or condensate *[when it is stored, processed and/or treated]* at a drilling and production installation prior to custody transfer;

B. Contain a petroleum liquid with a true vapor pressure less than 27.6 kilopascals (kPa) (4.0 psia) at ninety degrees Fahrenheit (90 °F);

C. Are *[of]* welded construction, and equipped with a metallic-type shoe primary seal and have a shoe-mounted secondary seal or closure devices of demonstrated equivalence approved by the staff director; and

D. *[Are used to s]Store* waxy, heavy pour crude oil.

2. Gasoline loading. *[Subsection (3)(B) of this rule shall not apply to a loading installation whose average monthly throughput of gasoline is less than or equal to one hundred twenty thousand (120,000) gallons when averaged over the most recent calendar year, provided that the installation loads gasoline by submerged loading and meets the following requirements:]*

A. *[To maintain the exemption, these installations shall submit a report on a form supplied by the department no later than February 1 of each year to the staff director stating gasoline throughput for each month of the previous calendar year. After the effective date of this rule, any revision to the department supplied forms will be presented to the regulated community for a forty-five (45)-day comment period;]* **Subsection (3)(B) of this rule shall not apply to a gasoline loading installation whose average monthly throughput of gasoline is less than or equal to one hundred twenty thousand (120,000) gallons when averaged over the most recent calendar year, provided the gasoline loading installation loads gasoline by submerged filling and—**

**(I) Owners or operators of gasoline loading installations submit a report to the staff director on a form supplied by the**

department stating the gasoline throughput for each month of the previous calendar year. The report shall be submitted no later than February 1 of each year;

(II) Delivery vessels purchased after December 31, 1995, are Stage I equipped;

(III) Owners or operators of gasoline loading installations maintain records of gasoline throughput and gasoline delivery; and

(IV) Delivery vessels operated by an exempt installation do not deliver to Stage I controlled tanks unless the delivery vessel is equipped with and employs Stage I controls.

B. *[Delivery vessels purchased after December 31, 1995, shall be Stage I equipped;]* A gasoline loading installation that fails to meet the requirements of the exemption in subparagraph (1)(C)2.A. of this rule for one (1) calendar year shall not qualify for the exemption again.

*[C. A loading installation that fails to meet the requirements of the exemption for one (1) calendar year shall not qualify for the exemption again;*

*D. To maintain the exemption, owners or operators shall maintain records of gasoline throughput and gasoline delivery; and*

*E. Delivery vessels operated by an exempt installation shall not deliver to Stage I controlled tanks unless the delivery vessel is equipped with and employs Stage I controls.]*

3. This rule does not apply to *[S]*stationary gasoline tanks with a capacity of less than or equal to five hundred (500) gallons.

4. *[Fueling of motor vehicles. Installations with one thousand (1,000) gallon or smaller tank(s) and monthly throughput of less than or equal to ten thousand (10,000) gallons of gasoline through the tanks are exempt from subsection (3)(E) of this rule]* Subsection (3)(E) of this rule does not apply to any gasoline dispensing facility (GDF) with one thousand (1,000) gallon or smaller tank(s) and monthly throughput of less than or equal to ten thousand (10,000) gallons of gasoline through the tanks.

5. *[Gasoline transfer provisions per paragraph (3)(C)2. of this rule shall not apply to transfers made to storage tanks equipped with floating roofs or their equivalent]* Paragraph (3)(C)2. of this rule does not apply to gasoline transfers made to storage tanks equipped with floating roofs or their equivalent.

6. *[Gasoline transfer provisions per paragraphs (3)(C)1.-4. of this rule shall not apply to stationary storage tanks having a capacity less than or equal to two thousand (2,000) gallons used exclusively for the fueling of implements of agriculture]* Subsection (3)(C) of this rule does not apply to any storage tank having a capacity less than or equal to two thousand (2,000) gallons used exclusively for the fueling of agricultural equipment.

7. *[Fueling of motor vehicles pursuant to subsection (3)(E) of this rule shall not apply to any stationary tank used primarily for the fueling of agricultural implements or implements of husbandry. For purposes of subsection (3)(E), agricultural implements and implements of husbandry shall refer to vehicles exempted from licensing requirements by the Missouri Department of Revenue]* Subsection (3)(E) of this rule does not apply to any stationary storage tank used primarily for the fueling of agricultural equipment.

*[8. Initial fueling of motor vehicles. Subsection (3)(E) of this rule shall not apply to any refueling system used for the initial fueling of motor vehicles as defined in subsection (2)(E) of this rule.*

*9. Ancillary refueling of motor vehicles. Subsection (3)(E) of this rule shall not apply to any ancillary refueling system used for the refueling of motor vehicles as defined in subsection (2)(A) of this rule.]*

(2) Definitions.

(A) *[Ancillary refueling system—Any gasoline dispensing installation, including related equipment, that shares a common storage tank with an initial fueling system as defined in subsection (2)(E) of this rule. The purpose of an ancillary refueling system is to refuel in-use motor vehicles at automobile assembly plants]* **Agricultural equipment—Any equipment used exclusively for agricultural purposes on land owned or leased for the production of farm products.**

*[(B) CARB—California Air Resources Board, 2020 L Street, PO Box 2815, Sacramento, CA 95812.*

*(C) Department—Missouri Department of Natural Resources, PO Box 176, Jefferson City, MO 65102.*

*(D) Director—The director of the Missouri Department of Natural Resources, or a designated representative to carry out the duties as described in 643.060 of the Missouri Air Conservation Law.*

*(E) Initial fueling of motor vehicles—The operation, including related equipment, of dispensing gasoline fuel into a newly assembled motor vehicle at an automobile assembly plant while the vehicle is still being assembled on the assembly line. The newly assembled motor vehicles being fueled on the assembly line have fuel tanks that have never before contained gasoline fuel.*

*(F) MO/PETP—The Missouri Performance Evaluation Test Procedures, a set of test procedures for evaluating performance of Stage I/II vapor control equipment and systems to be installed or that have been installed in Missouri. Contact the department for a copy of the current MO/PETP.*

*(G) Staff director—Director of the Air Pollution Control Program of the Department of Natural Resources, or a designated representative.*

*(H) System—Manufacturer's application of one of the specific designs for Stage II vapor recovery.*

*(I) Vapor recovery system modification—Any repair, replacement, alteration or upgrading of Stage I or Stage II vapor recovery equipment or gasoline dispensing equipment equipped with Stage II vapor recovery beyond normal maintenance of the system as permitted by the staff director. Replacement of equipment with like equipment shall not be considered a vapor recovery system modification.]*

*[(J)](B) Definitions of certain terms specified in this rule, other than those defined in this rule section, may be found in 10 CSR 10-6.020.*

(3) General Provisions.

(B) Gasoline Loading.

1. No owner or operator of a gasoline loading installation or delivery vessel shall cause or permit the loading of gasoline into any delivery vessel from a gasoline loading installation unless the gasoline loading installation is equipped with a vapor recovery system or equivalent. This system or system equivalent shall be approved by the staff director and the delivery vessel shall be in compliance with subsection (3)(D) of this rule.

2. **Gasoline** *[L]*loading shall be accomplished in a manner that the displaced vapors and air will be vented only to the vapor recovery system. Measures shall be taken to prevent liquid drainage from the loading device when it is not in use or to accomplish complete drainage before the loading device is disconnected. The vapor disposal portion of the vapor recovery system shall consist of one (1) of the following:

A. An absorber system, condensation system, membrane system, or equivalent vapor disposal system that processes the vapors and gases from the equipment being controlled and limits the discharge of VOC into the atmosphere to ten (10) milligrams of VOC vapor per liter of gasoline loaded;

B. A vapor handling system that directs the vapor to a fuel gas system; or

C. Other equipment of an efficiency equal to or greater than

subparagraph (3)(B)2.A. or B. of this rule if approved by the staff director.

3. Reporting and record keeping shall be per subsection (4)(B) of this rule.

(C) Gasoline Transfer at GDFs.

1. No owner or operator of a gasoline storage tank or delivery vessel shall cause or permit the transfer of gasoline from a delivery vessel into a gasoline storage tank with a capacity greater than five hundred (500) gallons and less than or equal to one thousand (1,000) gallons unless—

A. The gasoline storage tank is equipped with a submerged fill pipe extending unrestricted to within six inches (6") of the bottom of the tank, and not touching the bottom of the tank, or the storage tank is equipped with a system that allows a bottom fill condition;

B. All gasoline storage tank caps and fittings are vapor-tight when gasoline transfer is not taking place; and

C. Each gasoline storage tank is vented via a conduit that is—

(I) At least two inches (2") inside diameter; and

(II) At least twelve feet (12') in height above grade; and

(III) [Equipped with a pressure/vacuum valve that is CARB certified and MO/PETP approved at three inches water column pressure/eight inches water column vacuum (3" wcp/8" wcv) except when the owner or operator provides documentation that the system is CARB certified or MO/PETP approved for a different valve and will not function properly with a 3" wcp/8" wcv valve. Initial fueling of motor vehicle systems and ancillary refueling systems previous MO/PETP approval applies for pressure/vacuum values] Equipped with a pressure/vacuum valve that is certified by the California Air Resources Board (CARB) at three inches water column pressure/eight inches water column vacuum (3" wcp/8" wcv) except when the owner or operator provides documentation that the vapor recovery system is CARB-certified for a different valve and will not function properly with a 3" wcp/8" wcv valve.

2. [Stationary storage tanks having a volume greater than one thousand (1,000) and less than forty thousand (40,000) gallons shall also be equipped with a Stage I vapor recovery system that has a collection efficiency of ninety-eight percent (98%) that is based on MO/PETP, and the delivery vessels to these tanks shall be in compliance with subsection (3)(D) of this rule.] No owner or operator of a gasoline storage tank or delivery vessel shall cause or permit the transfer of gasoline from a delivery vessel into a gasoline storage tank with a capacity greater than one thousand (1,000) and less than forty thousand (40,000) gallons unless—

A. [The vapor recovery system shall collect no less than ninety-eight percent (98%) by volume of the vapors displaced from the stationary storage tank during gasoline transfer and shall return the vapors via a vapor-tight return line to the delivery vessel. All fill ports and vapor ports shall have Mo/PETP popped fittings.] The gasoline storage tank is equipped with a Stage I vapor recovery system that is certified by a CARB Executive Order as having a collection efficiency of at least ninety-eight percent (98%);

B. [A delivery vessel shall be reloaded only at installations complying with the provisions of subsection (3)(B) of this rule.] The delivery vessel to these tanks is in compliance with subsection (3)(D) of this rule;

C. [This subsection shall not be construed to prohibit safety valves or other devices required by governmental regulations.] All vapor ports are popped fittings;

D. The delivery vessel is reloaded at installations complying with the provisions of subsection (3)(B) of this rule;

E. The vapor recovery system employs one (1) vapor line per product line during the transfer. The staff director may approve other delivery systems submitted to the department with test data demonstrating compliance with subparagraph (3)(C)2.A.

of this rule;

F. All vapor hoses are at least three inches (3") inside diameter; and

G. All product hoses are less than or equal to four inches (4") inside diameter.

3. [No owner or operator of a gasoline delivery vessel shall cause or permit the transfer of gasoline from a delivery vessel into a storage tank with a capacity greater than one thousand (1,000) gallons and less than forty thousand (40,000) gallons unless—] Owners or operators of GDFs with monthly throughput greater than one hundred thousand (100,000) gallons may use a vapor recovery system that deviates from the requirements of subparagraph (3)(C)2.A. of this rule only if the vapor recovery system is approved by the director and has a collection efficiency of at least ninety-eight percent (98%).

[A. The owner or operator employs one (1) vapor line per product line during the transfer. The staff director may approve other delivery systems upon submittal to the department of test data demonstrating compliance with subparagraph (3)(C)2.A. of this rule;

B. The vapor hose(s) employed is no less than three inches (3") inside diameter; and

C. The product hose(s) employed is no more than four inches (4") inside diameter.

4. Reporting and record keeping shall be per subsection (4)(C) of this rule.]

4. Aboveground gasoline storage tanks at GDFs shall not have a capacity greater than one thousand (1,000) gallons.

5. This subsection does not prohibit safety valves or other devices required by government regulations.

(D) Gasoline Delivery Vessels.

1. No owner or operator of a gasoline delivery vessel shall operate or use a gasoline delivery vessel which is loaded or unloaded at an installation subject to subsection (3)(B) or (3)(C) of this rule unless—

A. The delivery vessel is tested annually to demonstrate compliance with the test method specified in 40 CFR [part 63, subpart R, section] 63.425(e);

B. The owner or operator obtains the completed test results signed by a representative of the testing installation upon successful completion of the leak test. [Blank test certification application forms for the test results will be provided to the testing installations by the department. After the effective date of this rule, any revision to the department supplied forms will be presented to the regulated community for a forty-five (45)-day comment period. The owner or operator shall send a copy of the signed successful test results to the staff director. The staff director, upon receipt of acceptable test results, shall issue an official sticker to the owner or operator;

C. The Missouri sticker is placed on the upper left portion of the back end of the vessel;]

[D.]C. [The delivery vessel is repaired by the owner or operator and retested within fifteen (15) business days of testing if it does not meet the leak test criteria of subparagraph (3)(D)1.A. of this rule] A copy of the vessel's current test results are kept with the delivery vessel at all times and made immediately available to the staff director upon request; and

[E.]D. [A copy of the vessel's current Tank Truck Tightness Test results are kept with the delivery vessel at all times and made immediately available to the staff director upon request] The delivery vessel is repaired by the owner or operator and retested within fifteen (15) business days of testing if it does not meet the leak test criteria of subparagraph (3)(D)1.A. of this rule.

2. An owner or operator of a gasoline delivery vessel who can demonstrate to the satisfaction of the staff director that the vessel has passed a current annual leak test in another state shall be deemed to

have satisfied the requirements of subparagraph (3)(D)1.A. of this rule, if the other state's leak test program requires the same gauge pressure and test procedures as specified in subparagraph (3)(D)1.A. of this rule. *[The owner or operator shall apply for a Missouri sticker and display the Missouri sticker on the upper left portion of the back end of the delivery vessel.]*

3. Reporting and record keeping shall be *[per]* performed as specified in subsection *[ (4)(D) ]* (4)(C) of this rule.

4. This subsection *[shall not be construed to]* does not prohibit safety valves or other devices required by government~~/al~~ safety regulations.

(E) Fueling of Motor Vehicles at GDFs.

1. *Except as provided in subsections (3)(A)–(C) of this rule, no owner or operator shall install, permit the use of or maintain any stationary gasoline tank with a capacity of more than one thousand (1,000) gallons or operate an installation with a monthly throughput of greater than ten thousand (10,000) gallons of gasoline through tanks in the one thousand (1,000) gallon or smaller class unless the storage tank(s) is equipped with a vapor recovery system. The system shall be approved by the staff director based on the MO/PETP and shall be capable of—*

- A. *Collecting the hydrocarbon vapors and gases discharged during motor vehicle fueling;*
- B. *Preventing their emission into the atmosphere; and*
- C. *Maintaining ninety-five percent (95%) efficiency of total capture and emission reduction.*

2. *After January 1, 1999, no installation subject to this section shall employ remote vapor check valves.*

3. *After January 1, 1999, no construction permit for modification or replacement of any equipment or component, including a like for like replacement, shall be approved unless the equipment or component is MO/PETP approved. After January 1, 1999, if a construction permit is not required, no installation utilizing an approved system shall modify or replace any equipment or component, including a like for like replacement, unless the equipment or component is MO/PETP approved. In the event that the staff director finds a violation of this provision, the staff director may require replacement of components or equipment with MO/PETP approved components or equipment.*

4. *For the purpose of subsection (3)(E) of this rule, no vapor recovery systems or devices shall be installed, used or maintained until they are permitted by the director in accordance with subsections (3)(H) and (I) of this rule.*

5. *All tank gauging and sampling sites or ports, valves, breakaways, joints and disconnects on the vapor recovery systems shall be gas-tight to prevent VOC emissions except during gauging or sampling.*

6. *All vapor recovery systems shall be maintained in good working order in accordance with the manufacturer's specifications and with no indication of visible liquid leaks.*

7. *The operator of each affected installation shall post operation instructions conspicuously in the gasoline dispensing area for the system in use at each station. The instructions shall clearly describe how to fuel vehicles correctly with vapor recovery nozzles utilized at that station. The instructions shall also include a warning that repeated attempts to continue dispensing gasoline after the system has indicated that the vehicle fuel tank is full may result in spillage of gasoline.*

8. *The operator of each affected installation shall ensure dispensing gasoline meets the requirements of 40 CFR 80.22(j) promulgated June 26, 1996 and hereby incorporated by reference in this rule, as published by the Office of Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or*

*additions.*

9. *The staff director shall identify and list specific defects that substantially impair the effectiveness of components or systems used for the control of gasoline vapors resulting from motor vehicle fueling operations. This ongoing list shall be used by the staff director as a basis for marking the components or systems out-of-order and shall be made available to any gasoline dispensing installations subject to paragraph (3)(E)1. of this rule. The list shall be made available to the installation's designated person for use in performing system maintenance.*

10. *Upon the staff director's identification of substantial defects in equipment or installation of a gasoline vapor control system, the system or components shall be marked "out-of-order" and no person shall use or permit the use of that system or component until those defects and all other defects have been repaired, replaced or adjusted to establish compliance. The components or system may be released into operation when the staff director has reinspected the installation; found the system and components to be in good working order; and removed the "out-of-order" notice. The staff director shall reinspect the previously marked "out-of-order" system or component and other noted defects as expeditiously as possible after notification from the operator that the repairs have been completed. In no case shall the reinspection be more than four (4) business days from the operator's notification that the repairs have been completed. In those cases in which the reinspection cannot be scheduled within the required time, the owner or operator may remove the "out-of-order" notice with permission of the staff director. If reinspection reveals that compliance has not been established, the system or components shall remain tagged "out-of-order." The staff director shall conduct a second reinspection within seven (7) business days from the operator's notification that repairs have been completed.]*

1. **GDFs not equipped with a Stage II vapor recovery system. Owners or operators shall—**

A. **Employ vapor-tight tank gauging and sampling sites or ports, valves, breakaways, joints, and disconnects on the vapor recovery systems to prevent emissions of volatile organic compounds except during gauging or sampling; and**

B. **Ensure that motor vehicle refueling meets the requirements of 40 CFR 80.22(j) promulgated June 26, 1996, and hereby incorporated by reference in this rule, as published by the Office of Federal Register, U.S. National Archives and Records, 700 Pennsylvania Avenue NW, Washington, D.C. 20408. This rule does not incorporate any subsequent amendments or additions.**

2. **GDFs equipped with a Stage II vapor recovery system.**

A. **Owners or operators shall—**

(I) **Comply with the requirements of subparagraphs (3)(E)1.A.–B. of this rule.**

(II) **Maintain the Stage II vapor recovery system in good working order in accordance with the manufacturer's specifications and with no indication of visible liquid leaks. Vapor recovery system components may only be replaced with components that have equivalent performance;**

(III) **Post operation instructions conspicuously in the gasoline dispensing area for the vapor recovery system in use at each GDF. The instructions shall clearly describe how to fuel vehicles correctly with vapor recovery nozzles utilized at that GDF. The instructions shall also include a warning that repeated attempts to continue dispensing gasoline after the system has indicated that the vehicle fuel tank is full may result in spillage of gasoline;**

(IV) **Decommission the Stage II vapor recovery system no later than December 31, 2015. The decommissioning must be performed in accordance with the department's Stage II Decommissioning Checklist.**

B. **The staff director shall identify and list specific defects**

that substantially impair the effectiveness of components or systems used for the control of gasoline vapors resulting from motor vehicle fueling operations. This ongoing list shall be used by the staff director as a basis for marking the components or systems out-of-order and shall be made available to any GDF with a Stage II vapor recovery system in place.

C. Upon the staff director's identification of substantial defects in equipment or installation of a Stage II vapor recovery system, the system or components shall be marked "out-of-order" and no person shall use or permit the use of that system or component until those defects and all other defects have been repaired, replaced, or adjusted to establish compliance. The components or system may be released into operation when the staff director has reinspected the installation; found the system and components to be in good working order; and removed the "out-of-order" notice. The staff director shall reinspect the previously marked "out-of-order" system or component and other noted defects as expeditiously as possible after notification from the operator that the repairs have been completed. In no case shall the reinspection be more than four (4) business days from the operator's notification that the repairs have been completed. In those cases in which the reinspection cannot be scheduled within the required time, the owner or operator may remove the "out-of-order" notice with permission of the staff director. If reinspection reveals that compliance has not been established, the system or components shall remain tagged "out-of-order." The staff director shall conduct a second reinspection within seven (7) business days from the operator's notification that repairs have been completed.

3. After the effective date of this rule, no owner or operator of a GDF may install a new Stage II vapor recovery system.

[(F) Initial Fueling of Motor Vehicles.

1. Initial fueling systems and ancillary refueling systems.

A. Subsection (3)(F) of this rule shall only apply to the fueling systems used for the initial fueling of motor vehicles as defined in subsection (2)(E) of this rule and the ancillary refueling systems used to fuel in-use motor vehicles defined in subsection (2)(A) of this rule. These initial fueling systems and ancillary refueling systems are not subject to the MO/PETP testing requirements. All other MO/PETP provisions apply.

B. The initial fueling systems and ancillary refueling systems storage tank systems are subject to the gasoline storage tank transfer requirements in subsection (3)(C) of this rule except for the MO/PETP testing requirements. All other MO/PETP provisions in subsection (3)(C) of this rule apply.

2. Owner or operator requirements.

A. No owner or operator shall install, permit the use of, or maintain any stationary gasoline tank for the purpose of initial fueling of new motor vehicle gasoline tanks unless the new motor vehicle is equipped with a U.S. Environmental Protection Agency (EPA) certified Onboard Refueling Vapor Recovery (ORVR) system or the gasoline dispensing system is equipped with a vapor recovery system, (e.g., Stage II), capable of a minimum ninety-five percent (95%) control efficiency.

B. No owner or operator shall install, permit the use of, or maintain any stationary gasoline tank for the purpose of ancillary fueling of motor vehicles unless the motor vehicle is equipped with an EPA certified ORVR system or the gasoline dispensing system is equipped with a vapor recovery system, (e.g., Stage II), capable of a minimum ninety-five percent (95%) control efficiency.

C. Demonstration of emission capture efficiency of the gasoline dispensing vapor recovery system shall be required and made available to the staff director upon request. The dispensing system, (e.g., Stage II), shall be approved by the staff director if the system—

(I) Collects the hydrocarbon vapors and gases discharged during initial motor vehicle fueling;

(II) Prevents their emission into the atmosphere; and

(III) Demonstrates a minimum of ninety-five percent (95%) control efficiency for emission reduction of the fueling and dispensing operation emissions. Testing methods shall be in accordance with EPA reference test methods (or alternative test methods as approved by the staff director) for incineration destruction efficiency.

D. Initial fueling systems and ancillary refueling systems are subject to the gasoline transfer tank requirements in subsection (3)(C) of this rule except for the MO/PETP testing.

E. The owner or operator of an initial fueling system and ancillary refueling system shall—

(I) Maintain the vapor control system in good working order in accordance with the manufacturer's specifications and with no indications of visible liquid leaks or detectable vapor emissions;

(II) Conduct regular preventive maintenance self-inspections of the vapor control system and conduct any necessary repairs upon identification of those defects. The installation must conduct all maintenance specified by manufacturer guidelines. These manufacturers guidelines must be made available to department and local agency inspectors upon request;

(III) Ensure all fueling procedures are conducted in the most efficient manner to reduce emissions from drips; and

(IV) Ensure the sealing of the filled vehicle's tank after fueling.

F. Reporting and record keeping shall be per subsection (4)(E) of this rule.]

[(G)](F) Permits Required.

1. [All installations subject to paragraph (3)(E)1. of this rule, except installations subject to subsection (3)(F) of this rule, shall meet the following permitting requirements:] No owner or operator of a GDF subject to subsections (3)(C) or (3)(E) of this rule may construct or modify a Stage I or Stage II vapor recovery system without obtaining a construction permit according to subsection (3)(G) of this rule; and

[A. No installation shall construct or undergo vapor recovery system modification without permits obtained according to subsection (3)(H) of this rule; and

B. No installation shall operate without an operating permit obtained according to subsection (3)(I) of this rule.]

2. [All installations subject to subsection (3)(F) of this rule shall meet the following permitting requirements:] No owner or operator of a GDF subject to subsections (3)(C) or (3)(E) of this rule shall operate without an operating permit obtained according to subsection (3)(H) of this rule.

[A. The installation must apply for a Stage II construction permit for all modifications or construction of initial fueling systems or ancillary refueling systems. All performance testing in subsections (3)(H) and (3)(I) of this rule shall be conducted to ensure system integrity; and

B. All operating permitting requirements of subsection (3)(I) of this rule, except paragraph (3)(I)2. of this rule, are applicable to any initial fueling systems or ancillary refueling systems. Except for the initial Stage II Operating Permit, Stage II Operating Permits shall be incorporated as part of the installation applicable requirements of Part 70 Operating Permits according to 10 CSR 10-6.065.]

[(H)](G) [Construction Permits for Vapor Recovery Systems for New Installations and Vapor Recovery System Modification for Existing Installations. No new gasoline dispensing installation that requires a Stage II vapor recovery system shall begin construction prior to obtaining a construction permit according to paragraph (3)(H)1. of this rule.

Installations shall apply for permits to test experimental technology according to paragraph (3)(H)2. of this rule. Existing installations that undergo vapor recovery system modification shall obtain permits according to paragraph (3)(H)3. of this rule. Owners, operators and contractors beginning construction without first obtaining a construction permit are subject to enforcement action.] **Construction Permits for Vapor Recovery Systems for New GDFs and Vapor Recovery System Modification for Existing GDFs.** An owner or operator shall not construct a new GDF that requires a Stage I vapor recovery system prior to obtaining a construction permit according to paragraph (3)(G)1. of this rule. An owner or operator of an existing GDF shall not modify a vapor recovery system prior to obtaining a construction permit according to paragraph (3)(G)3. of this rule. Owners, operators, or contractors beginning construction or modification without first obtaining a construction permit are subject to enforcement action.

1. [Owners or operators of new gasoline dispensing installations that require Stage II equipment shall] **An owner or operator planning to construct a new GDF that requires a Stage I vapor recovery system subject to subsections (3)(C) or (3)(E) of this rule shall—**

A. Submit an application on a form supplied by the department for a permit to construct at least [sixty (60)] **thirty (30)** days prior to beginning construction. The application shall include:

(I) Complete diagrams and a thorough description of the planned installation;

(II) [Plumbing diagrams including vapor lines, vent lines, slope of return vapor lines, material of all underground, above ground and dispenser plumbing, grade of site in relation to tanks, plumbing, and dispensers] **Plumbing diagrams including vent lines and material of all underground and above-ground plumbing;**

(III) [Current CARB executive orders for the proposed system and/or the system components. After January 1, 1998, no installation shall be issued a construction permit unless the system that will be installed has been demonstrated to achieve ninety-five percent (95%) efficiency according to paragraph (3)(E)1. of this rule. After January 1, 1999, no installation shall be issued a construction permit unless the equipment and components of the approved system that will be installed have been MO/PETP tested and approved] **For gasoline storage tanks subject to paragraph (3)(C)2. of this rule, current CARB Executive Orders for the proposed Stage I vapor recovery system;**

(IV) [At the option of the owner/operator, full port ball valves may be installed just below the riser of the vapor chamber. The ball valves shall be sealed fully open at all times except during testing. The ball valve shall be tested in line during the dynamic back pressure blockage test;] **Detailed description of the storage tank(s); and**

(V) [Detailed description of the storage tank(s). The storage tank(s) shall be—] **Schedule of construction.**

(a) *Type I tank(s).* A Type I tank is an underground storage tank that shall be covered with not less than six inches (6") of soil and/or concrete; or

(b) *Type II tank(s).* A Type II tank is one that has any portion of the shell exposed to the atmosphere. A Type II tank shall be equipped with a vapor processor; and

(VI) *Schedule of construction;*

B. Obtain a construction permit prior to beginning construction. The director shall issue a construction permit or a permit rejection [within thirty (30) days of] **after** receipt of the application/. *When an appeal is made following rejection of the application to construct, that appeal shall be filed within thirty (30) days of the notice of rejection;*

C. Display the construction permit in a prominent location during construction;

[D. Notify the department seven (7) calendar days prior to the anticipated completion date of underground piping and schedule a mutually acceptable inspection date. In the event that no mutually acceptable date is available, the staff director shall schedule the inspection date. The underground piping shall not be covered without visual inspection by the staff director. If defects are found, the staff director shall provide written notice of those defects;]

[E.]D. Establish compliance with all rules and requirements of [the department including those in] **Division 10** of Title 10 of the Code of State Regulations;

[F. Document for the staff director that prior to the introduction of product, the tank and piping system were subjected to a construction pressurization test of not more than five pounds per square inch (5 psi) and not less than four and five-tenths pounds per square inch (4.5 psi) and maintained this pressure for not less than thirty (30) minutes;]

[G.]E. Obtain staff director approval of final test methods and procedures that will be used to [prove] **demonstrate** compliance;

[H.]F. [Within thirty (30) days of completion of construction, conduct and pass final leak tests and dynamic back pressure/liquid blockage tests to show compliance with department requirements. The staff director may observe the test] **Meet the testing requirements in subparagraph (3)(H)1.B. of this rule;** and

[I.]G. Obtain and maintain on-site in a prominent location the current operating permit from the director for the site and the specific vapor recovery system that was installed. The operating permit [is renewable every five (5) years and] shall be maintained according to subsection [(3)(I)] **(3)(H)** of this rule.

2. The director may approve **Stage I** experimental technology for a specific [gasoline dispensing installation] **GDF**. Experimental technology may be approved for up to [one (1)] **three (3)** years for a limited number of [stations] **GDFs** under specific conditions determined by the staff director. [Installations] **GDFs** applying for approval of experimental technology shall—

A. Submit an application for director approval at least ninety (90) days prior to beginning construction. The application shall include, but not be limited to:

(I) Complete diagrams and a thorough description of the planned installation;

(II) [Plumbing diagrams including vapor lines, vent lines, slope of return vapor lines, material of all underground, above ground and dispenser plumbing, grade of site in relation to tanks, plumbing, and dispensers] **Plumbing diagrams including vent lines and material of all underground and above-ground plumbing;** and

(III) Standards, test data, history, and related information for the proposed system;

B. Submit to the staff director a detailed plan for the construction and operation of the system. The plan shall include a description of the planned testing and record keeping for the [installation] **GDF**. The director may issue the construction permit when all conditions of the testing [installation] **GDF** are deemed satisfactory;

C. Display the construction permit in a prominent location during construction;

D. Install monitoring equipment to prove that the vapor recovery system is leak-tight if requested by the staff director; and

E. Upon completion of testing, obtain and maintain on-site in a prominent location a current operating permit from the director for the specific innovative technology that is in operation. The permit shall specify the technology, the location, and the time period the technology will be tested.

3. [Existing installations that are subject to subsection (3)(E) or (3)(F) of this rule and undergo vapor recovery system

*modification shall*] An owner or operator of an existing GDF subject to subsections (3)(C) or (3)(E) of this rule that undergoes vapor recovery system modification shall—

A. Submit an application on a form supplied by the department for a permit to construct prior to beginning modifications. *[After the effective date of this rule, any revision to the department supplied forms will be presented to the regulated community for a forty-five (45)-day comment period.]* Applications for construction permits shall be submitted for projects that include, but are not limited to [.:], **any modification—**

(I) *[Modifications t]*That requires breaking concrete in an area *[that may affect]* **within fifteen (15) feet of the vapor lines or vent lines; and**

(II) *[Modifications that may affect]* **To the vapor lines or vent lines themselves;**

(III) **That affects the operation of the vapor recovery system; or**

(IV) **That could result in improper functioning of the vapor recovery system;**

B. *[Supply any information required by the staff director for the specific installation. Such information may include, but not be limited to, plumbing diagrams, including vapor lines, vent lines, slope of vapor lines, material of all underground, above ground and dispenser plumbing, grade of site in relation to tanks, plumbing and dispensers, current CARB executive orders for the proposed system and equipment, and proof of compliance with all rules and requirements of the department including those in Title 10 of the Code of State Regulations]* **Supply any information requested by the staff director for the specific installation. Such information may include, but is not limited to, plumbing diagrams, including vapor or vent lines; material of all underground and aboveground plumbing; current CARB executive orders for the proposed vapor recovery system and equipment; and proof of compliance with all rules and requirements of Division 10 of Title 10 of the Code of State Regulations;**

C. Obtain a construction permit prior to beginning the modification. Continued operation during the construction requires department approval. The director shall issue a construction permit or a permit rejection *[within thirty (30) days of]* **after** receipt of the application. *When an appeal is made following rejection of the application, that appeal shall be filed within thirty (30) days of the notice of rejection;*

D. Display the construction permit in a prominent location during construction;

*[E Establish a schedule for inspection and testing as required by the staff director and notify the department seven (7) calendar days prior to the anticipated completion date of underground piping and schedule a mutually acceptable inspection date. In the event that no mutually acceptable date is available, the staff director shall schedule the inspection date. The underground piping shall not be covered without visual inspection by the staff director. If defects are found, the staff director shall provide written notice of those defects;*

*F. Supply test results to the staff director;*

*G. Receive staff director approval of final test methods and procedures that will be used to prove compliance;]*

*[H.]E. [Within thirty (30) days of completion of construction, conduct and pass final leak tests and dynamic back pressure/liquid blockage tests to show compliance with department requirements. The staff director may observe the tests]* **Meet the testing requirements in subparagraph (3)(H)1.B. of this rule; and**

*[I.]F. Upon completion of testing, obtain and display in a prominent location on-site the current operating permit from the director for the specific site and the specific vapor recovery system that was installed. **The operating permit shall be maintained according to***

*subsection (3)(H) of this rule.*

*[(I)] The operating permit shall be maintained according to subsection (3)(I) of this rule, except paragraph (3)(I)2. of this rule shall not apply to initial fueling systems and ancillary refueling systems at automobile assembly installations.*

*[(II)] The operating permit is renewable every five (5) years, except for operating permits covering initial fueling systems and ancillary refueling systems at automobile assembly installations. Automobile assembly installations shall apply for an initial Stage II Operating Permit covering both their initial fueling systems and their ancillary refueling systems that will be current until their Part 70 Operating Permit is renewed.*

*[(III)] Except for the initial Stage II Operating Permit, the operating permit for automobile assembly installations that covers their initial fueling systems and their ancillary refueling systems shall be incorporated as part of the installation applicable requirements of 10 CSR 10-6.065 Operating Permits.]*

**4. Immediate repair or replacement of vapor recovery system components.**

A. Owners or operators of GDFs that require immediate repair or replacement of vapor recovery system components may request the department expedite the disposition of their permit application. Detailed justification must be provided with the request. Requests for expedited permit application will be reviewed for approval based on, but not limited to, the following necessity criteria:

(I) Compliance with local, state, or federal requirements;

(II) Ensure minimum interruption of service to customers; or

(III) Installation of equipment to reduce emissions from gasoline transfer; and

B. Expedited permit disposition shall not be provided simply for the convenience of the owner or operator of the GDF.

**5. Emergency Repairs.**

A. Owners or operators of GDFs requiring emergency repair or replacement of vapor recovery system components may immediately begin corrective construction without prior approval of a construction permit if the construction is in response to an accident or event that—

(I) Creates an abnormally high threat of fire;

(II) Poses an environmental hazard by allowing release of liquid product onto the ground or abnormal release of vapor into the air; and/or

(III) Threatens public safety; and

B. Owners or operators of GDFs electing to make emergency repair or replacement per subparagraph (3)(G)5.A. of this rule shall contact the department within forty-eight (48) hours of the commencement of the repair or replacement to determine what future action is required for compliance with this rule.

**6. Owners or operators of GDFs shall pay the department a fee of one hundred dollars (\$100) for each construction permit.**

*[(I)](H) Operating Permits [for Existing Installations]. All [existing] owners or operators of installations subject to subsection [(3)(E) or (3)(F)] (3)(C) or (3)(E) of this rule must apply to the director for an operating permit.*

1. *[Initial operating permits]* **Completion of construction.** *[The term of the initial permit shall be established by the staff director. In order t]*To obtain an operating permit **after the completion of construction, the owner or operator of a/n existing installation] GDF shall—**

A. Apply to the director for an operating permit within *[sixty (60) days of the date of the staff director's notice to apply and test within ninety (90) days of the notice. However, no installation subject to this requirement shall operate after*

January 1, 1999, without an operating permit] thirty (30) days of construction completion;

[B. Provide documentation that the Stage II system is certified by CARB as having a vapor recovery or removal efficiency of at least ninety-five percent (95%);]

[C./B. Conduct and pass a department-approved [back pressure blockage test and a department-approved leak] pressure decay test; pressure/vacuum valve test; and, where a Stage II vapor recovery system is in place, a dynamic back pressure/liquid blockage test. The owner/operator of the [installation] GDF shall schedule the tests and notify the staff director of the test dates at least seven (7) days prior to the testing date. The staff director may observe the tests. The owner/operator of the [installation] GDF shall provide [satisfactory] the test results to the staff director;

[D. Designate a person(s) who has attended a department-approved training course for the Stage II equipment that is installed at that installation. A designated person shall be available for consultation to installation personnel and to the department;]

[E/C. Demonstrate that the installation maintains a system of record keeping that meets the staff director's requirements; and

[F./D. Establish compliance with all rules and requirements of [the Missouri Department of Natural Resources including those in] Division 10 of Title 10 of the Code of State Regulations.

2. Renewal of operating permits. The operating permit is renewable on the date specified in the initial operating permit and for periods of [five (5)] three (3) years after the initial permit term expires. [In order to renew the operating permit an installation shall—]

A. [Apply to the director for renewal of the operating permit and test within ninety (90) days prior to the renewal date;] In order to renew the operating permit the owner or operator of a GDF shall—

(I) Apply to the director for renewal of the operating permit and test within ninety (90) days prior to the renewal date;

(II) Demonstrate that the GDF maintained all vapor recovery system components in good operating order during the preceding operating permit term including prompt efforts to establish compliance following "out-of-order" notices;

(III) Schedule staff director-approved tests prior to the expiration date of the permit, notify the staff director of test dates at least fourteen (14) days prior to test dates, and provide documentation that the vapor recovery system passed the tests; and

(IV) Maintain records according to subsection (4)(D) of this rule.

[B. Demonstrate that the installation maintained all system components in good operating order during the preceding operating permit term including prompt efforts to establish compliance following "out-of-order" notices;

C. Schedule staff director-approved tests prior to the expiration date of the permit, notify the staff director of test dates at least fourteen (14) days prior to test dates and provide documentation that the system passed the tests;

D. Maintain records according to subsection (4)(F) of this rule;]

[E/B. Owners or operators of [A/]an installation using a vapor recovery system that is decertified by CARB shall establish compliance with this rule within one (1) year or by the next renewal date of the operating permit whichever is longer. Failure to establish compliance will result in nonrenewal of the operating permit; and].

[F. After January 1, 2001, no operating permit shall be renewed without documentation that the Stage II system in use at the installation can be demonstrated to achieve ninety-five percent (95%) efficiency as specified in paragraph (3)(E)1. of this rule. Replacement of equipment and/or components in place as part of an approved system on January 1, 1999, shall not be required as long as the equipment and/or components pass operating permit tests.]

3. Owners or operators of GDFs shall pay the department a fee of one hundred dollars (\$100) for each operating permit.

[(J)](I) Owner/Operator Compliance. The owner or operator of a vapor recovery system subject to this rule shall—

1. Operate the vapor recovery system and the gasoline loading equipment in a manner that prevents—

A. Gauge pressure from exceeding four thousand five hundred (4,500) pascals (eighteen inches (18") of H<sub>2</sub>O) in the delivery vessel;

B. A reading equal to or greater than one hundred percent (100%) of the lower explosive limit (LEL), measured as propane at two point five (2.5) centimeters from all points on the perimeter of a potential leak source when measured by the method referenced in 10 CSR 10-6.030(14)(E) during loading or transfer operations; and

C. Visible liquid leaks during loading or transfer operations; and

2. Repair and retest within fifteen (15) days, a vapor recovery system that exceeds the limits in paragraph [(3)(J)1.] (3)(I)1. of this rule; and

3. Reporting and record keeping shall be per subsection [(4)(F)] (4)(D) of this rule.

[(K) Vapor Recovery Advisory Group. The St. Louis Vapor Recovery Advisory Group shall advise the staff director on vapor recovery issues in the St. Louis nonattainment area.

1. Composition. The advisory group will consist of one (1) representative from each of these agencies or organizations:

A. Missouri Department of Natural Resources, Air Pollution Control Program;

B. Missouri Department of Natural Resources, Hazardous Waste Program Underground Storage Tank Unit;

C. St. Louis City Air Pollution Control Agency or St. Louis County Air Pollution Control Agency;

D. Missouri Department of Agriculture, Division of Weights and Measures;

E. An organization representing petroleum marketers;

F. An organization representing petroleum equipment contractors; and

G. An organization representing oil refiners.

2. Purpose. The St. Louis Vapor Recovery Advisory Group shall review, study and make recommendations to the staff director on vapor recovery issues. Any member of the advisory group may bring an issue to the attention of the group. The advisory group shall—

A. Review vapor recovery system components that frequently fail;

B. Review CARB certifications and decertifications of vapor recovery system components;

C. Develop modifications to established tests such as the leak decay test and the back pressure blockage test. Modified test procedures shall prove integrity of Stage I and Stage II systems but may be designed for cost and time efficiency; and

D. Review any other vapor recovery issues deemed appropriate by the staff director.

3. Limitations. The advisory group is subject to all applicable state and federal statutes and regulations. All advisory group meetings shall comply with the Missouri Sunshine Act. The advisory group assumes no regulatory authority.]

(4) Reporting and Record Keeping.

(B) Owners or operators of gasoline loading installations subject to [gasoline loading] subsection (3)(B) of this rule shall keep complete records documenting the number of delivery vessels loaded and their owners. Records shall be kept for two (2) years and made available to the staff director within five (5) business days of a request.



*[(C) The owner or operator of stationary storage tanks subject to gasoline transfer subsection (3)(C) of this rule shall keep records documenting the vessel owners and number of delivery vessels unloaded by each owner. Records shall be kept for two (2) years and made available to the staff director within five (5) business days of a request. The owner or operator shall retain on-site copies of the loading ticket, manifest or delivery receipt for each grade of product received, subject to examination by the staff director upon request. If a delivery receipt is retained rather than a manifest or loading ticket, the delivery ticket shall bear the following information: vendor name, date of delivery, quantity of each grade, and the manifest or loading ticket number. The required retention on-site of the loading ticket, manifest or delivery receipt shall be limited to the four (4) most recent records for each grade of product.]*

*[(D)](C) Owners or operators of gasoline delivery vessels subject to subsection (3)(D) of this rule shall keep records of all tests and maintenance performed on the vessels. Records shall be kept for two (2) years and made available to the staff director within five (5) business days of a request. Also a copy of the vessel's current Tank Truck Tightness Test results shall be kept with the delivery vessel at all times and made immediately available to the staff director upon request.*

*[(E) Initial fueling and ancillary fueling of motor vehicles subject to subsection (3)(F) of this rule shall keep records on-site of all self-tests, self-inspections, defects found, repairs, and maintenance activities. Records shall be kept for two (2) years and made available to the staff director within five (5) business days of a request.]*

*[(F)](D) Owner/Operator Compliance. The owner or operator of a vapor recovery system subject to subsection [(3)(J)] (3)(C), (3)(E), or (3)(I) of this rule shall maintain records of department permits, inspection reports, enforcement documents, training certifications, gasoline deliveries, routine and unscheduled maintenance, [and] repairs, and all results of tests conducted. Unless otherwise specified in this rule, records shall be kept for two (2) years and made available to the staff director within five (5) business days of a request.*

(5) Test Methods.

(A) **Gasoline Loading.** Gasoline loading testing procedures to determine compliance with subparagraph (3)(B)2.A. of this rule shall be according to 10 CSR 10-6.030 subsection (14)(A) or by any method determined by the staff director. **The staff director, at any time, may monitor an installation subject to subsection (3)(B) of this rule to confirm compliance with this rule.**

(B) **Gasoline Delivery Vessels.** *[Gasoline delivery vessels testing and monitoring procedures to determine compliance with subsection (3)(D) of this rule and confirm the continuing existence of leak-tight conditions shall be according to 10 CSR 10-6.030 subsection (14)(B) or by any method determined by the staff director]* **Testing procedures for gasoline delivery vessels to determine compliance with subsection (3)(D) of this rule shall be according to 10 CSR 10-6.030 subsection (14)(B) or by any method determined by the staff director. The staff director, at any time, may monitor a gasoline delivery vessel subject to subsection (3)(D) of this rule to confirm compliance with this rule.**

(C) **Fueling of Motor Vehicles and Gasoline Transfer at GDFs.** The staff director, at any time, may monitor *a[n installation]* GDF subject to subsection (3)(C) or (3)(E) of this rule **to confirm compliance with this rule.** The staff director may require a leak test, a back pressure blockage test, *[an air-to-liquid test,]* a pressure/vacuum valve test, or may require any test or monitoring procedure in order to determine compliance with this rule.

*[(D) Delivery vessel, vapor recovery system or gasoline loading equipment may be monitored by the staff director at any time by a method determined by the staff director to*

*confirm continuing compliance with this rule.*

*(E) An annual staff director-approved back pressure blockage test and/or air-to-liquid test may be required. Additional testing may also be required by the staff director in order to determine proper functioning of vapor recovery equipment.*

*(F) Installations containing initial fueling systems and ancillary refueling systems shall allow the department to make vapor recovery inspections at any time to ensure systems are in working order and are being maintained and operated according to permits and regulations, and manufacturer recommendations—*

*1. The department and local agency Stage II inspectors shall be allowed access in a timely manner. Department and local agency Stage II inspectors shall make every attempt to avoid disrupting assembly line production. This may be done by allowing initial fueling site personnel to make repairs on the spot, or within a reasonable time frame. However, this consideration will not affect recording of defects or enforcement action; and*

*2. After repairs are made and notification by the plant is received, the department or local agency shall reinspect all defects found in official Stage II inspections. Failure by an installation to notify the department of repairs and request reinspection within fifteen (15) days of repair may result in enforcement action.]*

*[(G)](D) All emission controls that are approved by the director will not be considered federally enforceable[,] and will not shield a source from the [federal] obligation to comply with the underlying federal emission controls[, by the EPA] until submitted to EPA and approved by EPA in the state implementation plan.*

*AUTHORITY: section 643.050, RSMo [2000] Supp. 2013. Original rule filed March 14, 1967, effective March 24, 1967. For intervening history, please consult the Code of State Regulations. Amended: Filed Feb. 27, 2014.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will save private entities \$8,947,500 in aggregate over the life of the rule. See the private entity fiscal note for details of the estimated savings and assumptions used in estimation.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *A public hearing on this proposed amendment will begin at 9:00 a.m., May 29, 2014. The public hearing will be held at the Missouri Department of Natural Resources, St. Louis Regional Office, 7545 S. Lindbergh, Suite 220, DESE Conference Room, St. Louis, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., June 5, 2014. Written comments shall be sent to Chief, Air Quality Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcprule-sp@dnr.mo.gov.*

**FISCAL NOTE  
PRIVATE COST**

- I. Department Title:** 10 – Department of Natural Resources  
**Division Title:** 10 – Air Conservation Commission  
**Chapter Title:** 5 – Air Quality Standards and Air Pollution Control Rules Specific to the St. Louis Metropolitan Area

<b>Rule Number and Title:</b>	10 CSR 10-5.220 Control of Petroleum Liquid Storage, Loading and Transfer
<b>Type of Rulemaking:</b>	Amendment to Existing 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:
750	<p>The rulemaking will affect gasoline dispensing facilities (GDFs) in the St. Louis area.</p> <p>GDFs are classified as:</p> <ul style="list-style-type: none"> <li>• North American Industry Classification System codes 447110—Gasoline Stations with Convenience Stores, and 447190—Gasoline Stations without Convenience Stores; and</li> <li>• Standard Industry Classification code 5541—Gasoline Service Stations</li> </ul>	<p>The aggregate savings for the seven hundred fifty (750) GDFs over the life of the rule is estimated to be \$8,947,500.</p>

**III. WORKSHEET**

The rulemaking financially impacts GDFs in the St. Louis area in two ways:

- The requirement for Stage II vapor recovery systems will be removed and the existing Stage II systems will be decommissioned; and
- The renewal period for operating permits will be changed from five (5) years to three (3) years.

**Removal of Stage II Control Systems**

Removal of Stage II systems from GDFs in the St. Louis area will allow use of conventional hanging hardware components in place of Stage II components. The following table summarizes the savings resulting from use of conventional hanging hardware instead of Stage II hanging hardware. Cost estimates for vacuum assist systems are not included because Missouri has no vacuum assist systems in use.

<b>Cost Comparison of Hardware Components per GDF</b>		
	<b>Cost of Stage II Vapor Recovery Equipment</b>	<b>Cost of Non-Stage II Vapor Recovery Equipment</b>
<b>Hanging Hardware Components</b>	Vapor recovery nozzle and coaxial hose, breakaway flow restrictor, swivel, adaptors, vapor caps, vent caps, other required equipment	Nozzle and traditional fuel hose, breakaway, check valves, clamps and seal kits, and other required equipment
Estimate 1	\$4900	\$1540
Estimate 2	\$3500	\$1200
Estimate 3	\$3600	\$1920
Average Hardware Cost	\$4000	\$1553
Cost (Savings) for 18 Month Cycle	(\$2447)	
Annualized Cost (Savings)	(\$1631)	

The following table summarizes the estimated one-time cost of decommissioning a Stage II system.

<b>One-Time Cost Estimate of Decommissioning Stage II System per GDF</b>	
Direct Labor: 2 hours per dispenser at \$120 per hour	\$1200
Miscellaneous Dispenser Hardware/Parts at 20% of Direct Labor	\$240
Administrative Tasks: 2 hours at \$120 per hour	\$240
Loss of Gross Profit for One-Half Day Out of Service - 1650 gallons at \$0.185/gallon gross marketing margin	\$300
Pressure Decay/PV Valve Testing	\$600
<b>Total Labor and Lost-Revenue Cost</b>	<b>\$2580</b>

The following table summarizes the annual operating savings from elimination of Stage II systems. Savings for vapor pump maintenance and electricity for vapor pumps are not included because Missouri has no vacuum assists system in operation.

<b>Operating Cost (Savings) Changes</b>	
Eliminate Operator Training and Certification for Stage II Systems	(\$600)
Eliminate Monitoring and Recordkeeping for Stage II Systems	(\$600)
Vapor Recovery Savings	\$1230
<b>Total Operating Cost (Savings)</b>	<b>\$30</b>

The following table summarizes the financial impact of removal of Stage II controls.

<b>Total Cost (Savings) from Removal of Stage II Controls Over Life of the Rule</b>		
	Initial Year	Recurring for Nine (9) Years
Hanging Components	(\$1631)	(\$1631)
Decommissioning	\$2580	\$0
Operating	\$30	\$30
Total Cost (Savings) per GDF	\$979	(\$1601)
Number of GDFs	750	750
Total Cost (Savings) for all GDFs	\$734,250	(\$1,200,750)
Number of Years	1	9
Total Cost (Savings)	\$734,250	(\$10,806,750)

### **Changes to Permitting Provisions**

Current permitting practice requires two (2) operating permits over the ten (10) year rule life. The revised permitting provisions would require one (1) construction permit to start decommissioning, one (1) operating permit less than one (1) year later at the completion of construction, then operating permit renewals every three (3) years for a total of one (1) construction permit and four (4) operating permits.

The financial impact of the revised permitting provisions is shown in the following table.

<b>Permitting Cost Over Life of Rule</b>	
Revised (One construction permit at \$100 and four operating permits at \$700 each)	\$2,900
Current Practice (Two operating permits at \$700 each-fee and test)	\$1,400
Difference	\$1,500
Number of GDFs	750
Total Additional Permitting Fee Cost	\$1,125,000

### **Aggregate Financial Impact Over the Life of the Rule**

The aggregate savings for all GDFs in the St. Louis over the life is the rule is shown in the following table.

<b>Aggregate Costs (Savings) Over Life of Rule</b>	
Removal of Stage II Controls, Initial Year	\$734,250
Removal of Stage II Control, Remaining Nine (9) Years	(\$10,806,750)
Permitting	\$1,125,000
Total Cost (Savings)	(\$8,947,500)

## **IV. ASSUMPTIONS**

1. For the convenience of calculating this fiscal note over a reasonable time frame, the life of the rule is assumed to be ten (10) years although the duration of the rule is indefinite. If the life of the rule extends beyond ten years, the annual costs for additional years will

be consistent with the assumptions used to calculate annual costs as identified in this fiscal note.

2. The cost and savings of hardware components, one-time decommissioning, and operation are based on the U.S. Environmental Protection Agency (EPA) estimated financial impact for removal of Stage II vapor recovery systems in their *Final Regulatory Support Document, Widespread Use for Onboard Refueling Vapor Recovery and Stage II Waiver, Decommission Stage II Vapor Recovery Financial Benefits and Costs*, May 8, 2012, Docket ID Number EPA-HQ-OAR-2010-1076-0080.
3. All gasoline dispensing facilities in the St. Louis employ balance-type stage II vapor recovery systems. No vacuum assist systems are used.
4. Decommissioning of Stage II systems would coincide with required maintenance of the Stage II hanging components. In other words, the Stage II components would be replaced with conventional components when the old Stage II components are worn and in need of replacement.
5. The assumed life cycle of aboveground hanging hardware is eighteen (18) months.
6. During decommissioning, underground vapor piping may be left in place and capped. Therefore, it is assumed that no construction costs would be incurred to break up and repair the GDF driving surface.
7. The estimated fiscal impact is based on a gasoline dispensing facility having five (5) dispensers and ten (10) nozzles, which is consistent with EPA's estimated financial impact.
8. EPA's estimated financial impact does not include the cost of performing a pressure decay test and pressure/vacuum valve test at the completion of decommissioning. These tests are necessary to ensure system integrity, and are an integral part of the decommissioning process. Therefore, \$600 has been added to the cost of decommissioning, which is the average of three (3) estimates from the three (3) prominent testing contractors in the St. Louis area. These estimates include only labor to perform the test. They do not include the cost of replacing defective components discovered during post-decommissioning testing, since these defective components would require replacement for compliance with the regulatory requirements for their remaining Stage I system.
9. The fee for each construction permit and each operating permit is \$100.
10. Each operating permit application requires successful completion of pressure decay and P/V valve testing prior to issuance of the permit. The cost of these tests is estimated to be \$600 as explained in a previous assumption, and is included in the cost calculation for operating permit renewal.

11. The fiscal impact of revising the operating permit renewal interval from five (5) to three (3) years assumes the only construction permit required during the ten-year rule life is the one to decommission the Stage II system.
12. The number of affected GDFs is estimated to be seven hundred and fifty (750). Many of these GDFs have chosen to decommission their Stage II systems prior to the effective date of this rulemaking per a policy memorandum from the department allowing the decommissioning in anticipation of the removal of Stage II requirements by this rulemaking. The GDFs that have decommissioned their Stage II systems are included in this fiscal note, since their decommissioning is directly dependent on the adoption of this rulemaking.
13. All cost and savings in this fiscal note are in 2012 dollars to be consistent with cost and savings in EPA's estimated financial impact.

**Title 22—MISSOURI CONSOLIDATED  
HEALTH CARE PLAN  
Division 10—Health Care Plan  
Chapter 2—State Membership**

**PROPOSED AMENDMENT**

**22 CSR 10-2.094 Tobacco-Free Incentive Provisions and Limitations.** The Missouri Consolidated Health Care Plan is amending section (3).

*PURPOSE: This amendment revises the requirements for participation in the tobacco-free incentive and the method and timeframes in which the tobacco-cessation attestation form must be submitted.*

(3) Incentive Participation Requirement.

(B) To receive the incentive beginning on January 1, 2014, eligible members must do one (1) of the following:

1. Tobacco-free attestation.

A. The member must complete a tobacco-free attestation online through myMCHCP or submit a completed form by fax or mail during the period of October 1, 2013, through November 30, 2013. The form must be received by November 30, 2013; or

2. Tobacco cessation program attestation.

A. The member must complete a tobacco cessation program attestation online through myMCHCP or submit a completed form by fax or mail during the period of October 1, 2013, through November 30, 2013. The member also must participate in an MCHCP-approved tobacco cessation program as defined in sections (4) and (5).

(I) If a subscriber and/or his/her spouse become and remain tobacco-free three (3) months prior to May 31, 2014, s/he may continue to receive the incentive through December 31, 2014, if s/he completes a tobacco-free attestation through myMCHCP or submits a completed form by fax or mail by May 31, 2014. The form must be received by May 31, 2014.

**(II) If a subscriber and/or his/her spouse completed the tobacco cessation program attestation and does not become tobacco-free three (3) months prior to May 31, 2014, s/he may continue to receive the incentive through December 31, 2014 if s/he completes another tobacco cessation program attestation online through myMCHCP or submits a completed form by fax or mail by May 31, 2014. The form must be received by May 31, 2014. The member also must again participate in an MCHCP-approved tobacco cessation program as defined in sections (4) and (5).**

(C) An employee adding medical coverage with an effective date from November 1, 2013, through May 1, 2014; must complete a tobacco-free attestation or tobacco cessation program attestation within thirty-one (31) days of the subscriber's effective date. A covered spouse's attestation must be completed within thirty-one (31) days of enrollment. The incentive will start on the subscriber's effective date.

1. If a subscriber and/or his/her spouse complete the tobacco cessation program attestation and become and remain tobacco-free three (3) months prior to May 31, 2014, s/he can continue to receive the incentive through December 31, 2014, if s/he completes a tobacco-free attestation through myMCHCP or submits a completed form by fax or mail by May 31, 2014. A form must be received by May 31, 2014.

2. **If a subscriber and/or his/her spouse completed the tobacco cessation program attestation and does not become tobacco-free three (3) months prior to May 31, 2014, s/he may continue to receive the incentive through December 31, 2014 if s/he completes another tobacco cessation program attestation online through myMCHCP or submits a completed form by fax or mail by May 31, 2014. The form must be received by May 31, 2014. The member also must again participate in an MCHCP-**

**approved tobacco cessation program as defined in sections (4) and (5).**

(D) An employee adding medical coverage with an effective date after May 1, 2014 must **do one (1) of the following to receive the incentive:**

1. *[c]*Complete the tobacco-free attestation form **online through myMCHCP or submit a completed form by fax or mail** to receive the incentive within thirty-one (31) days of the subscriber's effective date. A covered spouse's attestation must be completed within thirty-one (31) days of enrollment. The incentive will start on the subscriber's effective date.; **or**

2. **Complete a tobacco cessation program attestation online through myMCHCP or submit a completed form by fax or mail to receive the incentive within thirty-one (31) days of the subscriber's effective date. A covered spouse's attestation must be completed within thirty-one (31) days of enrollment. The incentive will start on the subscriber's effective date. The member also must participate in an MCHCP-approved tobacco cessation program as defined in sections (4) and (5).**

*AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Nov. 1, 2011, effective Nov. 25, 2011, expired May 22, 2012. Original rule filed Nov. 1, 2011, effective April 30, 2012. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Feb. 28, 2014, effective May 1, 2014, expires Oct. 27, 2014. Amended: Filed Feb. 28, 2014*

*PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions five hundred sixty-three thousand eight hundred forty dollars (\$563,840) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Consolidated Health Care Plan, Judith Muck, PO Box 104355, Jefferson City, MO 65110. 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. Department Title: 22 - Missouri Consolidated Health Care Plan  
Division Title: Division 10  
Chapter Title: Chapter 2**

<b>Rule Number and Name:</b>	<b>22 CSR 10-2.094 Tobacco-Free Incentive Provisions and Limitations</b>
<b>Type of Rulemaking:</b>	<b>Proposed Amendment</b>

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
<b>Missouri Consolidated Health Care Plan</b>	<b>\$563,840</b>

**III. WORKSHEET**

Estimated cost is derived from: the seven-month additional Tobacco-Free Incentive premium reduction MCHCP will award to eligible subscribers hired after May 1, 2014 and their covered spouses, that attest to participate in a tobacco cessation program during the period of May 1 to Dec. 31, 2014; the six-month additional Tobacco-Free Incentive premium reduction MCHCP will award to eligible subscribers and their covered spouses that attested in October or November of 2013, to participate in a tobacco cessation program during the period of Oct. 2013 and May 2014, and will re-attest to again participate in a tobacco cessation program during the period of July 1 and Dec. 31, 2014; and the six-month additional Tobacco-Free Incentive premium reduction MCHCP will award to eligible subscribers hired between Dec. 1, 2013 and Apr. 30, 2014 and their covered spouses, that attested to participate in a tobacco cessation program during the period of Dec. 1, 2013 and May 31, 2014 and will re-attest to again participate in a tobacco cessation program during the period of July 1 and Dec. 31, 2014.

**IV. ASSUMPTIONS**

- Projected total of 2,204 eligible subscribers and their covered spouses will attest to participate in a tobacco cessation program and receive the Tobacco-Free Incentive. The detail is as follows: 122 eligible subscribers hired after May 1, 2014 and their covered spouses; 1,990 eligible subscribers and their covered spouses that attested in October or November of 2013, to participate in a tobacco cessation program during the period of Oct. 2013 and May 2014, and will re-attest to again participate in a tobacco cessation program during the period of July 1 and Dec. 31, 2014; and 92 eligible subscribers hired between Dec. 1, 2013 and Apr. 30, 2014 and their covered spouses, that attested to participate in a tobacco cessation program during the period of Dec. 1, 2013 and May 31, 2014 and will re-attest to again participate in tobacco cessation program during the period of July 1 and Dec. 31, 2014.



**T**his section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

**T**he agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-(90-) day period during which an agency shall file its Order of Rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the Proposed Rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 10—Commissioner of Education  
Chapter 2—Education Scholarships**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education under sections 161.092 and 161.825.12, RSMo Supp. 2013, the board hereby adopts a rule as follows:

5 CSR 10-2.010 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2013 (38 MoReg 1966–1970). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Department of Elementary and Secondary Education (department) received one (1) comment on the proposed rule.

**COMMENT:** Staff noted that the Revisor of Statutes placed Bryce's Law in Chapter 161 instead of Chapter 135 as set forth in the enacting legislation SB 17. References in the rule to the statute need to be changed to Chapter 161.

**RESPONSE AND EXPLANATION OF CHANGE:** The department concurs and has deleted the reference to Chapter 135 and substituted Chapter 161 in the purpose, sections (1) and (2), and the authority.

**5 CSR 10-2.010 Scholarship Granting Organizations**

**PURPOSE:** This rule sets forth the requirements to qualify as a scholarship granting organization to grant scholarships permitted in section 161.825, RSMo Supp. 2013 and the annual requirements, once approved.

(1) As used in this regulation, the following terms mean:

- (B) Eligible child as defined in section 161.825.2(6), RSMo; and
- (C) Eligible student as defined in section 161.825.2(7), RSMo.

(2) To qualify as a scholarship granting organization, an organization must submit to the Commissioner of Education (commissioner), by November 1 of the year prior to the school year for which scholarships will be granted, documentation which demonstrates that they—

(D) Intend to provide educational scholarships to eligible students attending qualified schools as defined in section 161.825.2(11), RSMo; and/or

(E) Intend to provide scholarships to eligible children receiving services from qualified service providers as defined in section 161.825.2(12), RSMo.

**AUTHORITY:** sections 161.092 and 161.825.12, RSMo Supp. 2013. Original rule filed Oct. 29, 2013.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 10—Commissioner of Education  
Chapter 2—Education Scholarships**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education under sections 161.092 and 161.825.12, RSMo Supp. 2013, the board hereby adopts a rule as follows:

5 CSR 10-2.020 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2013 (38 MoReg 1971). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Department of Elementary and Secondary Education (department) received one (1) comment on the proposed rule.

**COMMENT:** Staff noted that the Revisor of Statutes placed Bryce's Law in Chapter 161 instead of Chapter 135 as set forth in the enacting legislation SB 17. References in the rule to the statute need to be changed to Chapter 161.

**RESPONSE AND EXPLANATION OF CHANGE:** The department concurs and has deleted the reference to Chapter 135 and substituted Chapter 161 in the purpose, section (10), and the authority.

**5 CSR 10-2.020 Scholarships**

**PURPOSE:** This rule sets forth the requirements for scholarships permitted in section 161.825, RSMo Supp. 2013.

(10) Definitions—as used in this regulation, the following terms shall mean:

- (A) Category means either eligible child or eligible student as defined in section 161.825, RSMo;
- (B) Eligible child as defined in section 161.825.2(6), RSMo; and
- (C) Eligible student as defined in section 161.825.2(7), RSMo.

*AUTHORITY: sections 161.092 and 161.825.12, RSMo Supp. 2013. Original rule filed Oct. 29, 2013.*

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 10—Commissioner of Education  
Chapter 2—Education Scholarships**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education under sections 161.092 and 161.825.12, RSMo Supp. 2013, the board hereby adopts a rule as follows:

5 CSR 10-2.030 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2013 (38 MoReg 1971-1972). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Department of Elementary and Secondary Education (department) received one (1) comment on the proposed rule.

**COMMENT:** Staff noted that the Revisor of Statutes placed Bryce’s Law in Chapter 161 instead of Chapter 135 as set forth in the enacting legislation SB 17. References in the rule to the statute need to be changed to Chapter 161.

**RESPONSE AND EXPLANATION OF CHANGE:** The department concurs and has deleted the reference to Chapter 135 and substituted Chapter 161 in the purpose, sections (1) and (2), and the authority.

**5 CSR 10-2.030 Eligibility for Scholarships**

*PURPOSE: This rule sets forth the requirements to be eligible for scholarships permitted in section 161.825, RSMo Supp. 2013.*

(1) There are two (2) ways for a child to be eligible for the scholarship program in section 161.825, RSMo—

(2) A student is eligible for the scholarship program in section 161.825, RSMo if—

*AUTHORITY: sections 161.092 and 161.825.12, RSMo Supp. 2013. Original rule filed Oct. 29, 2013.*

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 20—Division of Learning Services  
Chapter 100—Office of Quality Schools**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education under sections 160.514, 160.526, and 167.131, RSMo 2000, and sections 160.518, 161.092, 162.081, and 168.081, RSMo Supp. 2013, the board adopts a rule as follows:

5 CSR 20-100.265 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2013 (38 MoReg 1758-1761). Those sections with changes are reprinted here.

This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The State Board of Education (board) received twenty-two (22) comments regarding the proposed rule.

**COMMENT #1:** The Department of Elementary and Secondary Education (department) received one (1) comment from Charles Smith, Missouri National Education Association, supporting the proposed rule and stating that charter sponsors are responsible for oversight.

**RESPONSE:** The board thanks Charles Smith for his comment.

**COMMENT #2:** The department received one (1) comment from Douglas Thaman, Missouri Charter Public Schools Association (MCPSA), stating that responsibility and costs for communication in the event of a charter school closure is given to the school. And, that in the proposed rule the sponsor coordination of communication is unnecessary.

**RESPONSE:** The board reviewed the comment and determines the charter sponsor does play a key role in the closure process.

**COMMENT #3:** One (1) comment from Deborah Carr, Director of the University of Missouri (MU) Office of Charter School Operations, requested in section (1) Communication, that stakeholder groups should be included.

**RESPONSE AND EXPLANATION OF CHANGE:** The board reviewed the comment and agrees to modify the wording in section (1) to include “all stakeholder groups,” and to further clarify/ensure that students, families, staff, and community have the support needed for student transfer/transition.

**COMMENT #4:** One (1) comment from Deborah Carr, Missouri Charter School Sponsor Network (MCSSN), stating that the overall responsibility for closure needs to rest with the charter school administration(s) and their governing boards.

**RESPONSE:** The board reviewed the comment and determines charter sponsors are expected to clearly communicate expectations and closely monitor actions of charter schools regarding their duties in the event of closure.

**COMMENT #5:** One (1) comment from Douglas Thaman, MCPSA, stating that in section (2) sponsors of charter schools may be concerned that handling of student records might violate Family Educational Rights and Privacy Act (FERPA) as addressed in the proposed rule.

**RESPONSE:** The board reviewed the comment and determines no change is needed.

**COMMENT #6:** One (1) comment from Deborah Carr, Director of the MU Office of Charter School Operations, requested in section (2) that charter school applications be modified to include the expectation that immediately upon closure, complete records for all students be turned over to the proper school district office within a specific timeframe and format requirements.

**RESPONSE:** The board reviewed the comment and determines no change is needed.

**COMMENT #7:** Three (3) comments from Steve Sanchez and Martha McGeehon, St. Louis University, and from Deborah Carr, Director of the MU Office of Charter School Operations, stating that in section (2) the word coordinate be changed to “monitor.” And that subsections (A)–(D) be reworded.

**RESPONSE AND EXPLANATION OF CHANGE:** The board reviewed the comment and agrees to change coordinate to monitor; however, subsections (A)–(D) were not reworded.

COMMENT #8: Two (2) comments from Douglas Thaman, MCPSA, and Deborah Carr, Director of the MU Office of Charter School Operations, stating that in section (4) the department has the right to withhold funding if final data/reports are not submitted.

RESPONSE: The board reviewed the comment and determines no change is needed.

COMMENT #9: Six (6) comments from Douglas Thaman, MCPSA; Victoria Hughes, University of Central Missouri; Steve Sanchez and Martha McGeehon, St. Louis University; Deborah Carr, MCSSN; and Deborah Carr, Director of the MU Office of Charter School Operations, stating that in subsection (5)(A) that sponsors of charter schools should not be expected to utilize state funding secured under section 160.400.11, RSMo, to meet expenses associated with the closure and that in section (5) the paragraph was unclear.

RESPONSE AND EXPLANATION OF CHANGE: The board reviewed the comments and agrees to make changes to section (5) to change the wording to clarify the oversight expectations.

COMMENT #10: One (1) comment from Deborah Carr, Director of the MU Office of Charter School Operations, stating that in subsection (5)(B) the sponsor does not have the responsibility for unobligated assets or access to all information.

RESPONSE AND EXPLANATION OF CHANGE: The board reviewed the comment and agrees to clarify the expectations, including changing subsection (5)(B) and reformatting it in subsection (5)(A) and moving subsection (5)(A) to the position of subsection (5)(B).

COMMENT #11: Five (5) comments from Douglas Thaman, MCPSA; Steve Sanchez and Martha McGeehon, St. Louis University; Deborah Carr, MCSSN; and Deborah Carr, Director of the MU Office of Charter School Operations, stating that section (6) should be clarified so charter schools are held accountable for closure and sponsors for ensuring that processes/procedures are carried out.

RESPONSE AND EXPLANATION OF CHANGE: The board reviewed the comment and agrees to make changes to section (6) to clarify the monitoring responsibility of the sponsor.

COMMENT #12: One (1) comment from Deborah Carr, MCSSN, stating that a definition of “coordinate,” including specific responsibilities of the charter school administration, governing board, sponsor, and DESE is needed.

RESPONSE: The board reviewed the comment and determines no change is needed.

COMMENT #13: One (1) comment from Deborah Carr, Director of the MU Office of Charter School Operations, stating that the fiscal ramifications of the proposed rule has the potential of elevating the cost of sponsorship and the college’s ability to provide charter school oversight. She suggests that state funding for sponsors be increased to three percent (3%) with the understanding that a percentage of those funds be held to assist with closure costs.

RESPONSE: The board reviewed the comment and determines that the sponsor funding should not be changed.

#### 5 CSR 20-100.265 Charter School Closure

(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:

(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.

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

#### Division 20—Division of Learning Services Chapter 200—Office of College and Career Readiness

#### ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under section 161.450, RSMo Supp. 2013, the board adopts a rule as follows:

#### 5 CSR 20-200.290 Physical Fitness Challenge/Assessment “Cade’s Law” is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2013 (38

MoReg 1762). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 20—Division of Learning Services  
Chapter 200—Office of College and Career Readiness**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education (board) under sections 167.800 to 167.824, RSMo Supp. 2013, the board adopts a rule as follows:

5 CSR 20-200.300 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 1, 2013 (38 MoReg 1762-1764). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The State Board of Education (board) received forty (40) comments on the proposed rule.

COMMENT #1: Denny Ward, School Nurse, expressed concern about the cost of implementing section 167.809.2, RSMo of the rule.

RESPONSE: The board reviewed the comment and determined no change is needed.

COMMENT #2: Veronica DeLaGarza, Advocacy Director, American Diabetes Association; Harold Siebert, Business Manager, Missouri School for the Deaf; and Linda Evans, President, Missouri Association of School Nurses, all suggested adding wording in the purpose statement to ensure students with diabetes have a medically safe environment.

RESPONSE: The board reviewed the comment and determined no change is needed.

COMMENT #3: Veronica DeLaGarza, Advocacy Director, American Diabetes Association, suggested changes to wording in the rule's purpose statement to replace the terms "these materials" with "this rule."  
RESPONSE AND EXPLANATION OF CHANGE: The board reviewed the comment and determined to change the wording in the purpose statement as suggested as the rule does not include materials.

COMMENT #4: Veronica DeLaGarza, Advocacy Director, American Diabetes Association, suggested wording in the purpose statement include "students have access to appropriate care, supplies, medication, and food at all times."

RESPONSE: The board reviewed the comment and determined no change is needed.

COMMENT #5: Linda Evans, President, Missouri Association of School Nurses; and Harold Siebert, Business Manager, Missouri School for the Deaf, both suggested wording in the purpose statement that would add the School Nurse to the list of individuals who develop a student's comprehensive health plan.

RESPONSE: The board reviewed the comment and determined no change is needed.

COMMENT #6: Linda Evans, President, Missouri Association of

School Nurses; and Harold Siebert, Business Manager, Missouri School for the Deaf, both suggested changes to wording in the purpose statement to include that a student's Diabetes Medical Management Plan (DMMP) be completed by the student's physician.

RESPONSE: The board reviewed the comment and determined no change is needed.

COMMENT #7: Linda Evans, President, Missouri Association of School Nurses; and Harold Siebert, Business Manager, Missouri School for the Deaf, both suggested changes to the definition of Diabetes Medical Management Plan (DMMP).

RESPONSE: The board reviewed the comment and determined no change is needed.

COMMENT #8: The Missouri Council of Administrators of Special Education; Missouri School Boards' Association; Missouri State High School Athletics Association; Missouri Association of Secondary School Principals; Missouri Association of School Business Officials; and Missouri Unified School Insurance Council, all suggested additional language to the definition of a Diabetes Medical Management Plan (DMMP) that offers districts and schools the option of incorporating the DMMP, or referencing the DMMP, in a student's 504 Plan under section 504 of the Rehabilitation Act or Individual Education Plan under the Individuals with Disabilities Education Act (IDEA) to assure coordination of services.

RESPONSE AND EXPLANATION OF CHANGE: The board reviewed the comment and accepted the recommended changes to subsection (1)(B) to assure coordination of services.

COMMENT #9: The Missouri Council of Administrators of Special Education; Missouri School Boards' Association; Missouri State High School Athletics Association; Missouri Association of Secondary School Principals; Missouri Association of School Business Officials; and Missouri Unified School Insurance Council; Linda Evans, President, Missouri Association of School Nurses; and Harold Siebert, Business Manager, Missouri School for the Deaf, suggested adding a definition for the Personal Health Care Team and renumbering the remaining definitions.

RESPONSE AND EXPLANATION OF CHANGE: The board reviewed the comment and accepted the recommendation to add a definition of a Personal Health Care Team in subsection (1)(D) and to renumber the remaining definitions.

COMMENT #10: Linda Evans, President, Missouri Association of School Nurses; and Harold Siebert, Business Manager, Missouri School for the Deaf, both suggested a new definition for diabetes.

RESPONSE: The board reviewed the comment and determined no change is needed.

COMMENT #11: Veronica DeLaGarza, Advocacy Director, American Diabetes Association; Linda Evans, President, Missouri Association of School Nurses; and Harold Siebert, Business Manager, Missouri School for the Deaf, suggested the definition for school in subsection (1)(D) be revised to include charter schools to be consistent with the statute.

RESPONSE: The board reviewed the comment and determined no change is needed.

COMMENT #12: The Missouri Council of Administrators of Special Education; Missouri School Boards' Association; Missouri State High School Athletics Association; Missouri Association of Secondary School Principals; Missouri Association of School Business Officials; and Missouri Unified School Insurance Council; Linda Evans, President, Missouri Association of School Nurses; and Harold Siebert, Business Manager, Missouri School for the Deaf, suggested adding language to clarify that districts are not obligated to provide any or all diabetes care specified in a DMMP.

RESPONSE AND EXPLANATION OF CHANGE: The board

reviewed the comment and determined to accept the suggestion to insert language directly from section 167.809, RSMo as section (2) and resequence section (2) of the rule into subsequent subsections (2)(A), (2)(B), and (2)(C).

**COMMENT #13:** The Missouri Council of Administrators of Special Education; Missouri School Boards' Association; Missouri State High School Athletics Association; Missouri Association of Secondary School Principals; Missouri Association of School Business Officials; Missouri Unified School Insurance Council; Linda Evans, President, Missouri Association of School Nurses; and Harold Siebert, Business Manager, Missouri School for the Deaf, all suggested deleting repetitive language.

**RESPONSE:** The board reviewed the comment and determined no change is needed.

**COMMENT #14:** Linda Evans, President, Missouri Association of School Nurses; and Harold Siebert, Business Manager, Missouri School for the Deaf, both suggested deleting repetitive definition of DMMP and include a description of activities requiring management for a student with diabetes throughout the school day.

**RESPONSE:** The board reviewed the comment and determined no change is needed.

**COMMENT #15:** Linda Evans, President, Missouri Association of School Nurses; and Harold Siebert, Business Manager, Missouri School for the Deaf, both suggested changing wording in section (2) so that students must submit instead of should submit, to the school an up-to-date DMMP which, upon receipt, shall be reviewed by the school nurse.

**RESPONSE:** The board reviewed the comment and determined no change is needed.

**COMMENT #16:** The Missouri Council of Administrators of Special Education; Missouri School Boards' Association; Missouri State High School Athletics Association; Missouri Association of Secondary School Principals; Missouri Association of School Business Officials; and Missouri Unified School Insurance Council, all suggested schools should receive rather than obtain written permission from the student's parent/guardian.

**RESPONSE AND EXPLANATION OF CHANGE:** The board reviewed the comment and determined that the burden of providing the school with a signature required to do an invasive procedure should rest with the parent/guardian. Subsection (2)(A) was revised and resequenced as (2)(C).

**COMMENT #17:** Linda Evans, President, Missouri Association of School Nurses; and Harold Siebert, Business Manager, Missouri School for the Deaf, both suggested changing the wording in subsection (2)(A) from allow monitoring to requesting management of the student's blood glucose and administration of insulin by injection or the delivery system used by the student.

**RESPONSE:** The board reviewed the comment and determined no change is needed.

**COMMENT #18:** The Missouri Council of Administrators of Special Education; Missouri School Boards' Association; Missouri State High School Athletics Association; Missouri Association of Secondary School Principals; Missouri Association of School Business Officials; Missouri Unified School Insurance Council; Linda Evans, President, Missouri Association of School Nurses; and Harold Siebert, Business Manager, Missouri School for the Deaf, suggested clarification of whether the school choice described in section (3) is for adopting or not adopting the training guidelines of section (3).

**RESPONSE AND EXPLANATION OF CHANGE:** The board reviewed the comment and changed section (3) to indicate schools have a choice to adopt these training guidelines.

**COMMENT #19:** Linda Evans, President, Missouri Association of School Nurses; and Harold Siebert, Business Manager, Missouri School for the Deaf, added a definition for other health care professional and suggested that follow-up training and supervision be provided as required instead of as necessary.

**RESPONSE:** The board reviewed the comment and determined no change is needed.

**COMMENT #20:** Linda Evans, President, Missouri Association of School Nurses; and Harold Siebert, Business Manager, Missouri School for the Deaf, added suggested language to subsection (3)(B) to more accurately reflect the professional expectations related to management of diabetes.

**RESPONSE:** The board reviewed the comment and determined no change is needed.

**COMMENT #21:** Linda Evans, President, Missouri Association of School Nurses; and Harold Siebert, Business Manager, Missouri School for the Deaf, requested deletion of subsection (3)(E) which recommends that all trained diabetes personnel and other school personnel be familiar with recommended resources available on the department's website. They also suggest a uniform competency evaluation tool be developed to facilitate training consistency.

**RESPONSE:** The board reviewed the comment and determined no change is needed.

**COMMENT #22:** The Missouri Council of Administrators of Special Education; Missouri School Boards' Association; Missouri State High School Athletics Association; Missouri Association of Secondary School Principals; Missouri Association of School Business Officials; Missouri Unified School Insurance Council, has requested clarification that schools shall review and may implement the Diabetes Medical Management Plan provided rather than shall review and implement. This suggestion is intended to make it clear that the district is not required to implement the plan.

**RESPONSE AND EXPLANATION OF CHANGE:** The board reviewed the comment and accepted the clarification for section (4) by adding the term may.

**COMMENT #23:** Linda Evans, President, Missouri Association of School Nurses; and Harold Siebert, Business Manager, Missouri School for the Deaf, suggested that each school must review and implement the Diabetes Medical Management Plan (DMMP) and specified the school nurse is the most appropriate person in the school setting to provide care management for a student with diabetes rather than stating generally the school nurse is the most appropriate person.

**RESPONSE:** The board reviewed the comment and determined no change is needed.

**COMMENT #24:** Veronica DeLaGarza, Advocacy Director, American Diabetes Association, suggested language stating that generally the school nurse is the most appropriate person in a school setting to care for a student with diabetes is unnecessary and should be deleted.

**RESPONSE:** The board reviewed the comment and determined no change is needed.

**COMMENT #25:** The Missouri Council of Administrators of Special Education; Missouri School Boards' Association; Missouri State High School Athletics Association; Missouri Association of Secondary School Principals; Missouri Association of School Business Officials; Missouri Unified School Insurance Council; Linda Evans, President, Missouri Association of School Nurses; and Harold Siebert, Business Manager, Missouri School for the Deaf, suggested trained diabetes personnel may, rather than shall, be on site at each school is consistent with the language of the statute.

**RESPONSE AND EXPLANATION OF CHANGE:** The board

reviewed the comment and changed the term shall to may in subsection (4)(A).

**COMMENT #26:** Veronica DeLaGarza, Advocacy Director, American Diabetes Association, suggested wording related to parents of students with diabetes attending field trips is unnecessary and should be deleted.

**RESPONSE AND EXPLANATION OF CHANGE:** The board reviewed the comment and agreed the additional statement related to field trips was unnecessary as field trips are already referenced in subsection (4)(A).

**COMMENT #27:** Linda Evans, President, Missouri Association of School Nurses; and Harold Siebert, Business Manager, Missouri School for the Deaf, suggested adding language specifying each local education agency (LEA) that adopts these guidelines must provide training to all school personnel who have primary responsibility for supervising a child with diabetes during some portion of the school day, including bus drivers, to assure if guidelines are adopted, training is provided.

**RESPONSE:** The board reviewed the comment and determined no change is needed.

**COMMENT #28:** The Missouri Council of Administrators of Special Education; Missouri School Boards' Association; Missouri State High School Athletics Association; Missouri Association of Secondary School Principals; Missouri Association of School Business Officials; Missouri Unified School Insurance Council, suggested changing the term shall to may as related to performance of functions by trained diabetes personnel.

**RESPONSE AND EXPLANATION OF CHANGE:** The board reviewed the comment and changed the term shall to may in subsection (4)(C).

**COMMENT #29:** Linda Evans, President, Missouri Association of School Nurses; and Harold Siebert, Business Manager, Missouri School for the Deaf, suggested changing the term "shall" to "must" as related to performance of functions by trained diabetes personnel and to add that personnel would respond to symptoms as well as blood glucose levels that are outside of the student's target range.

**RESPONSE AND EXPLANATION OF CHANGE:** The board reviewed the comment and determined to accept the recommendation of the Missouri Council of Administrators of Special Education; Missouri School Boards' Association; Missouri State High School Athletics Association; Missouri Association of Secondary School Principals; Missouri Association of School Business Officials; Missouri Unified School Insurance Council and change only the term shall to may in subsection (4)(C).

**COMMENT #30:** Veronica DeLaGarza, Advocacy Director, American Diabetes Association, requested adding a statement permitting, upon request by a parent/guardian or student, a private area for performing diabetes care tasks.

**RESPONSE AND EXPLANATION OF CHANGE:** The board reviewed the comment and added a statement regarding access to a private area for performing diabetes care tasks when requested to in subsection (4)(D).

**COMMENT #31:** Linda Evans, President, Missouri Association of School Nurses; and Harold Siebert, Business Manager, Missouri School for the Deaf, suggested a change in the wording to require, not encourage, parents to provide backup supplies for each child to the school nurse in the event the student does not have them in possession when needed.

**RESPONSE:** The board reviewed the comment and determined no change is needed.

**COMMENT #32:** Linda Evans, President, Missouri Association of School Nurses; and Harold Siebert, Business Manager, Missouri School for the Deaf, requested that sample forms of Diabetes Medical Management Plans (DMMP) be completed by the student's physician, reviewed by the school nurse, and be made available on the department website.

**RESPONSE:** The board reviewed the comment and determined no change is needed.

**COMMENT #33:** Linda Evans, President, Missouri Association of School Nurses; and Harold Siebert, Business Manager, Missouri School for the Deaf, suggested that the Diabetes Medical Management Plan (DMMP) be signed by the student's physician rather than by a health care professional.

**RESPONSE:** The board reviewed the comment and determined no change is needed.

**COMMENT #34:** The Missouri Council of Administrators of Special Education; Missouri School Boards' Association; Missouri State High School Athletics Association; Missouri Association of Secondary School Principals; Missouri Association of School Business Officials; Missouri Unified School Insurance Council suggested changing the term "shall" to "should" in subsection (5)(B).

**RESPONSE AND EXPLANATION OF CHANGE:** The board reviewed the comment and changed the term shall to should in subsection (5)(B).

**COMMENT #35:** Linda Evans, President, Missouri Association of School Nurses; and Harold Siebert, Business Manager, Missouri School for the Deaf, suggested changing the term "shall" to "must" and to require ketone "assessment" rather than ketone "monitoring."

**RESPONSE:** The board reviewed the comment and determined no change is needed.

**COMMENT #36:** The Missouri Council of Administrators of Special Education; Missouri School Boards' Association; Missouri State High School Athletics Association; Missouri Association of Secondary School Principals; Missouri Association of School Business Officials; Missouri Unified School Insurance Council, suggested the Diabetes Medical Management Plan (DMMP) is "proposed" as it is not legally required to be implemented as submitted and may be incorporated into a Section 504 Plan or IEP, as appropriate.

**RESPONSE AND EXPLANATION OF CHANGE:** The board reviewed the comment and added the term proposed in reference to a student's DMMP as identified in subsection (5)(C).

**COMMENT #37:** Linda Evans, President, Missouri Association of School Nurses; and Harold Siebert, Business Manager, Missouri School for the Deaf, suggested adding wording specifying an "up-to-date" DMMP "must" be completed and submitted to the school at least annually.

**RESPONSE:** The board reviewed the comment and determined no change is needed.

**COMMENT #38:** Linda Evans, President, Missouri Association of School Nurses; and Harold Siebert, Business Manager, Missouri School for the Deaf, suggested changes in medical history or information in the DMMP be a separate subsection to this rule and specify that the school nurse assist in the updates.

**RESPONSE:** The board reviewed the comment and determined no change is needed.

**COMMENT #39:** The Missouri Council of Administrators of Special Education; Missouri School Boards' Association; Missouri State High School Athletics Association; Missouri Association of Secondary School Principals; Missouri Association of School Business Officials; Missouri Unified School Insurance Council; Linda Evans, President, Missouri Association of School Nurses; and

Harold Siebert, Business Manager, Missouri School for the Deaf, identified a numbering error in the rule.

**RESPONSE AND EXPLANATION OF CHANGE:** The board reviewed the comment and renumbered section (7) to (6).

**COMMENT #40:** Veronica DeLaGarza, Advocacy Director, American Diabetes Association, requested the rule address the recruitment notice requirement identified in section 167.803.2, RSMo.

**RESPONSE AND EXPLANATION OF CHANGE:** The board reviewed the comment and added subsection (3)(F) to the rule to address recruitment of staff when fewer than three (3) school employees are available to be trained in the care of students with diabetes.

### **5 CSR 20-200.300 Training of School Employees in the Care Needed for Students with Diabetes**

*PURPOSE: The purpose for this rule is to enable schools to ensure a safe learning environment for students with diabetes. This rule is based on the belief that children with diabetes can participate in all academic and non-academic school-related activities. In order for children with diabetes to be successful in school, a comprehensive health plan must be collaboratively developed by families, students, school personnel, and licensed health care providers. The individualized health plan (IHP) implements the Diabetes Medical Management Plan (DMMP) provided by the healthcare provider, physician orders, and provisions appropriate to each student's needs during the school day and for other school-related activities. The IHP must be based upon and consistent with the DMMP.*

(1) For purposes of this rule, the following terms shall mean:

(B) Diabetes Medical Management Plan (DMMP)—a document developed by the student's personal health care team that sets out the health services needed by the student at school and is signed by the student's personal health care team and parent/guardian. For a student determined eligible under Section 504 of the Rehabilitation Act of the Individuals with Disabilities Education Act (IDEA), the DMMP may be incorporated or referenced, as appropriate, into the health services provisions of the student's 504 Plan or Individualized Education Program (IEP);

(D) Personal Health Care Team—a team that includes the student's health care provider, parent/guardian, and as appropriate, school nurse and/or the student. For a student determined eligible under section 504 of the Rehabilitation Act or the Individuals with Disabilities Education Act (IDEA) the team of individuals required to develop the section 504 Plan or the individualized education program (IEP) may constitute the personal health care team inclusive of the student's health care provider or input from that provider.

(E) School—shall include any public school located within the state of Missouri;

(F) School employee—shall include any person employed by a local education agency (LEA), any person employed by a local health department who is assigned to an LEA, or any subcontractor designated for this function; and

(G) Trained diabetes personnel—a school employee who volunteers to be trained in accordance with this rule. Such employee need not be a health care professional.

(2) The school board of each school district and the governing body of each charter school may provide all students with diabetes in the school or district appropriate and needed diabetes care as specified in their Diabetes Medical Management Plan.

(A) The parent or guardian of each student with diabetes who seeks diabetes care while at school should submit to the school a Diabetes Medical Management Plan (DMMP), which upon receipt shall be reviewed by the school.

(B) The DMMP is developed by the student's personal health care team and sets out the health services needed by the student at school and is signed by the student's personal health care team and par-

ent/guardian. The plan covers how, when, and under what circumstances the student should receive blood glucose monitoring and injections of insulin as well as steps to take in case of an emergency.

(C) Schools must receive written permission from the student's parent/guardian to allow monitoring of the student's blood glucose and to administer insulin by injection or the delivery system used by the student. This written permission should be included in the DMMP.

(3) Section 167.803, RSMo, requires schools choosing to adopt these training guidelines of this section to train at least three (3) school employees at each school attended by a student with diabetes. A school employee shall not be subject to any penalty or disciplinary action for refusing to serve as trained diabetes personnel.

(F) If at any time fewer than three (3) school employees are available to be trained at a school, the principal or other school administrator shall distribute to all staff members a written notice seeking volunteers to serve as diabetes care personnel. The notice shall inform staff of the following:

1. The school shall provide diabetes care to one (1) or more students with diabetes and is seeking personnel willing to be trained to provide that care;

2. The tasks to be performed;

3. Participation is voluntary and the school district or school shall take no action against any staff member who does not volunteer to be designated;

4. Training shall be provided to employees who volunteer to provide care;

5. Trained personnel are protected from liability under section 167.831, RSMo; and

6. The identity and contact information of the individual who should be contacted to volunteer.

(4) Each school shall review and may implement the DMMP provided by the parent/guardian of a student with diabetes who seeks diabetes care while at school. Generally, the school nurse is the most appropriate person in the school setting to provide care management for a student with diabetes. Other trained diabetes personnel shall be available as necessary.

(A) The school nurse or at least one (1) trained diabetes personnel may be on site at each school and available during regular school hours and during all school sponsored activities, including school-sponsored before school and after school care programs, field trips, extended off-site excursions, extracurricular activities, and on buses when the bus driver has not completed the necessary training, to provide care to each student with a DMMP being implemented by the school.

(C) In accordance with the request of a parent/guardian of a student with diabetes and the student's DMMP, the school nurse or, in the absence of the school nurse, trained diabetes personnel, may perform functions including, but not limited to, responding to blood glucose levels that are outside of the student's target range; administering glucagon, administering insulin, or assisting a student in administering insulin through the insulin delivery system the student uses; providing oral diabetes medications, checking and recording blood glucose levels and ketone levels, or assisting a student with such checking and recording; and following instructions regarding meals, snacks, and physical activity.

(D) Upon written request of a student's parent/guardian and if authorized by the student's DMMP, a student with diabetes shall be permitted to perform blood glucose checks, administer insulin through the insulin delivery system the student uses, treat hypoglycemia and hyperglycemia, and otherwise attend to the monitoring and treatment of his/her diabetes in the classroom, in any area of the school or school grounds, and at any school-related activity, and he/she shall be permitted to possess on his/her person at all times all necessary supplies and equipment to perform such monitoring and treatment functions. If the parent/guardian or student so requests, the

student shall have access to a private area for performing diabetes care tasks. Schools should encourage parents to provide backup supplies for each child to the school nurse in the event the student does not have them in possession when needed.

(5) Sample forms of Diabetes Medical Management Plans (DMMPs) are available on the department website.

(B) A DMMP should—

1. Outline the dosage, delivery system, and schedule for blood glucose monitoring, insulin/medication administration, glucagon administration, ketone monitoring, meals and snacks, physical activity, and include the student's usual symptoms of hypoglycemia and hyperglycemia, and their recognition and treatment;

2. Include emergency contact information;

3. Address the student's level of self-care and management.

(C) A proposed DMMP should be completed and submitted to the school at least annually.

(6) No physician, nurse, school employee, charter school, or school district shall be liable for civil damages or subject to disciplinary action under professional licensing regulations or school disciplinary policies as a result of the activities authorized by sections 167.800 to 167.824, RSMo, when such acts are committed as an ordinarily reasonably prudent person would have acted under the same or similar circumstances.

## Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

### Division 20—Division of Learning Services Chapter 400—Office of Educator Quality

#### ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under sections 168.011, 168.405, and 168.409, RSMo 2000, and sections 161.092, 168.021, 168.071, 168.081, and 168.400, RSMo Supp. 2013, the board adopts a rule as follows:

5 CSR 20-400.500 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2013 (38 MoReg 1976–1977). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The board received numerous comments regarding the proposed rule.

**Editor's Note:** Due to the volume of comments received relating to 5 CSR 20-400.500, the department was unable to publish a list of individuals commenting on this rule. The department maintains a copy of all individual comments, which is available upon request. Requests should be made to Custodian of Records, Office of General Counsel and Governmental Affairs, Department of Elementary and Secondary Education, PO Box 480, Jefferson City, MO 65102-0480.

**COMMENT #1:** The board received one (1) comment suggesting that the word "cumulative" be added to paragraph (5)(B)3. to clarify and align the requirements of that section with previous sections. **RESPONSE AND EXPLANATION OF CHANGE:** The board agreed and voted to add the word "cumulative" as requested.

**COMMENT #2:** Four (4) comments were received stating that the timing for implementation of the grade point average requirements in paragraph (5)(B)3. would impose an undue burden on educator preparation programs and students of such programs if the new

requirements were to become effective immediately upon publication of this rule.

**RESPONSE AND EXPLANATION OF CHANGE:** Section (13) has been added, stating that all of the contents of this rule will not become effective until August 1, 2017. This effective date matches the date of implementation for the Missouri Standards for the Preparation of Educators, a closely related administrative rule guiding many of the requirements adopted herein.

**COMMENT #3:** Two (2) comments were received regarding the grade point average requirements in paragraphs (5)(B)1.–3., stating that the department has not yet defined what courses will be included in the calculation of grade point averages for the candidate's specific content area.

**RESPONSE:** Specific courses included in the calculation of grade point average in the content area are defined in the Annual Performance Report as required under the Missouri Standards for the Preparation of Educators (MoSPE).

**COMMENT #4:** Three (3) comments were received regarding subsection (10)(A), suggesting that the department add language allowing applicants to add on professional certificates of license to teach by passing the appropriate content knowledge exit assessment(s) only in certificate areas approved by the department and other stakeholders such as educator preparation programs.

**RESPONSE:** The board and MoSPE determine the areas for which certificates may be added by passing the appropriate exit assessments. No changes were made as a result of these comments.

#### 5 CSR 20-400.500 Application for Certificate of License to Teach

(5) An applicant for a Missouri certificate of license to teach who has successfully completed an educator preparation program approved by the department must comply with the following additional criteria in addition to any requirements specific to the content area for which the applicant seeks certification:

(B) The applicant must possess an overall grade point average to meet the following specifications:

1. For applicants graduating before the spring semester of the year 2017 from a baccalaureate program approved by the department, a grade point average of 2.50 or higher on a 4.00 scale, and in the major area of study;

2. For applicants graduating in or after the spring semester of the year 2017 from a baccalaureate program approved by the department, a cumulative grade point average on a 4.00 scale of 2.75 or higher, and a grade point average of 3.00 or higher in professional education and the specific content area for which certification is sought; or

3. For applicants graduating in or after the spring semester of the year 2017 from a baccalaureate program who do not meet the appropriate cumulative grade point average requirements, competency may otherwise be demonstrated by achievement of exit assessment scores greater than or equal to a score deemed satisfactory by the board to qualify for forgiveness of a disqualifying cumulative grade point average. Such satisfactory score shall be higher than the Missouri qualifying score;

(10) Additional professional certificates of license to teach may be granted as follows:

(A) The applicant may take the appropriate content knowledge or specialty area exit assessment(s) for certification and must achieve a score equal to or in excess of the qualifying score on the content knowledge or specialty area exit assessment(s) as defined in the rules promulgated by the board; or

(B) If the board has not designated a content knowledge or specialty area exit assessment(s) for a particular certification area or grade level or the applicant chooses not to take the appropriate content knowledge or specialty area exit assessment(s), the applicant



must meet the specific content area certification requirements found in 5 CSR 20-400.500-5 CSR 20-400.700.

(13) The requirements of this rule shall become effective August 1, 2017.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 20—Division of Learning Services  
Chapter 400—Office of Educator Quality**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education (board) under sections 168.011, 168.405, and 168.409, RSMo 2000, and sections 161.092, 168.021, 168.071, 168.081, and 168.400, RSMo Supp. 2013, the board adopts a rule as follows:

5 CSR 20-400.510 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2013 (38 MoReg 1977-1978). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The board received numerous comments regarding the proposed rule.

**Editor's Note:** Due to the volume of comments received relating to 5 CSR 20-400.510, the department was unable to publish a list of individuals commenting on this rule. The department maintains a copy of all individual comments, which is available upon request. Requests should be made to Custodian of Records, Office of General Counsel and Governmental Affairs, Department of Elementary and Secondary Education, PO Box 480, Jefferson City, MO 65102-0480.

**COMMENT #1:** The board received two hundred seventy-three (273) comments suggesting that this rule cover age ranges Birth – Grade 3 for the Early Childhood Education Certificate as opposed to the Birth – Pre-Kindergarten age range reflected in the proposed rule. Such comments suggest the change in grade level be reflected in the title of this rule.

**RESPONSE AND EXPLANATION OF CHANGE:** The board agrees and has amended the proposed title and section (1) to reflect the Birth – Grade 3 age range coverage for the certificate in this rule.

**COMMENT #2:** The board received five (5) comments suggesting that this rule cover age ranges Birth – Pre-Kindergarten and Pre-Kindergarten – Grade 3 for the Early Childhood Education Certificate as opposed to the Birth – Pre-Kindergarten age range reflected in the proposed rule. Such comments suggest the change in grade level be reflected in the title of this rule.

**RESPONSE AND EXPLANATION OF CHANGE:** The board has considered these comments; however, the board has elected to amend the proposed rule to reflect the Birth – Grade 3 age range coverage for this certificate.

**COMMENT #3:** Four (4) comments were received suggesting that the word “cumulative” be added to paragraph (1)(B)3. to clarify and align the requirements of that section with previous sections.

**RESPONSE AND EXPLANATION OF CHANGE:** The board agreed and voted to add the word “cumulative” to paragraph (1)(B)3. as requested.

**COMMENT #4:** Four (4) comments were received requesting that the word “between” be changed to “among” in paragraph (1)(B)1.

**RESPONSE AND EXPLANATION OF CHANGE:** The board agreed and voted to change the word “between” to “among” in paragraph (1)(B)1.

**COMMENT #5:** Four (4) comments were received requesting that “Assessment, Student Data, and Data-Based Decision-Making” be added to subparagraph (1)(B)1.C.

**RESPONSE AND EXPLANATION OF CHANGE:** The board agreed and voted to add this competency to the Professional Requirements in (1)(B)1.C. as requested.

**COMMENT #6:** Seventy-two (72) comments were received requesting that paragraph (1)(B)2. be changed to add subparagraph (1)(B)2.F. to include competency in “Educational Psychology.”

**RESPONSE AND EXPLANATION OF CHANGE:** The board agreed and voted to add this competency to paragraph (1)(B)2. of the Professional Requirements as requested.

**COMMENT #7:** Seventy-two (72) comments were received requesting that paragraph (1)(B)4. be amended to a minimum of thirty (30) semester hours.

**RESPONSE AND EXPLANATION OF CHANGE:** The board agreed to amend paragraph (1)(B)4.

**COMMENT #8:** Seventy-two (72) comments were received requesting that parts (I)–(IV) be added to subparagraph (1)(B)4.A. to require competency in “Child Development,” “Play-Based Inquiry,” “Observing and Assessing Young Children,” and “Language Acquisition.”

**RESPONSE AND EXPLANATION OF CHANGE:** The board agreed and voted to amend the proposed rule as suggested by adding parts (I)–(IV) in subparagraph (1)(B)4.A.

**COMMENT #9:** Seventy-two (72) comments were received requesting that the clarifying word “integrated” be added to subparagraph (1)(B)4.B.

**RESPONSE AND EXPLANATION OF CHANGE:** The board agreed to amend subparagraph (1)(B)4.B. as suggested.

**COMMENT #10:** Seventy-two (72) comments were received requesting that subparagraphs (1)(B)5.A.–B. be amended to include “Families as Educational Partners” and “Family Engagement” as required competencies.

**RESPONSE AND EXPLANATION OF CHANGE:** The board agreed and voted to amend the proposed rule in subparagraphs (1)(B)5.A.–B. as suggested.

**COMMENT #11:** Seventy-two (72) comments were received requesting that paragraph (1)(B)6. be amended to require a minimum of six (6) semester hours in Program Management.

**RESPONSE AND EXPLANATION OF CHANGE:** The board agreed and voted to amend the proposed rule in paragraph (1)(B)6. as suggested.

**COMMENT #12:** Seventy-two (72) comments were received requesting that the Field and Clinical requirements in subsection (1)(C) be amended to include experiences in each of the three (3) different age levels.

**RESPONSE AND EXPLANATION OF CHANGE:** The board agreed and voted to amend the Field and Clinical Experiences in subsection (1)(C) as proposed.

**COMMENT #13:** Seventy-two (72) comments were received requesting that the Field and Clinical requirements in paragraph (1)(C)1. be amended to require thirty (30) clock hours rather than the proposed forty-five (45).

**RESPONSE AND EXPLANATION OF CHANGE:** The board agreed and voted to amend the Field and Clinical Experiences in paragraph (1)(C)1. as proposed.

COMMENT #14: Four (4) comments were received stating that the timing for implementation of this rule would impose an undue burden on educator preparation programs and students of such programs if the new requirements were to become effective immediately upon publication of this rule.

RESPONSE AND EXPLANATION OF CHANGE: Section (2) has been added, stating that all of the contents of this rule will not become effective until August 1, 2017. This effective date matches the date of implementation for the Missouri Standards for the Preparation of Educators, a closely related administrative rule guiding many of the requirements adopted herein.

### 5 CSR 20-400.510 Certification Requirements for Teacher of Early Childhood Education (Birth – Grade 3)

(1) An applicant for a Missouri certificate of license to teach Early Childhood Education (Birth – Grade 3) who possesses good moral character may be granted an initial Missouri certificate of license to teach Early Childhood Education (Birth – Grade 3) subject to the certification requirements found in 5 CSR 20-400.500 and the following additional certification requirements specific to Early Childhood Education (Birth – Grade 3):

(A) General Requirements. An applicant for a Missouri certificate of license to teach who has successfully completed an educator preparation program approved by the Missouri Department of Elementary and Secondary Education (department) must comply with the following additional criteria:

1. The applicant must possess a baccalaureate degree from a regionally accredited college or university;

2. The applicant must have a recommendation from the designated official at a baccalaureate or higher-level educator preparation program approved by the department;

3. The applicant must possess an overall grade point average to meet the following specifications:

A. For applicants graduating before the spring semester of the year 2017 from a baccalaureate program approved by the department, a grade point average of 2.50 or higher on a 4.00 scale, and in the major area of study;

B. For applicants graduating in or after the spring semester of the year 2017 from a baccalaureate program approved by the department, a cumulative grade point average on a 4.00 scale of 2.75 or higher, and a grade point average of 3.00 or higher in professional education and the specific content area for which certification is sought; or

C. For applicants graduating in or after the spring semester of the year 2017 from a baccalaureate program who do not meet the appropriate cumulative grade point average requirements, competency may otherwise be demonstrated by achievement of exit assessment scores greater than or equal to a score deemed satisfactory by the State Board of Education (board) to qualify for forgiveness of a disqualifying cumulative grade point average. Such satisfactory score shall be higher than the Missouri qualifying score.

4. The applicant must achieve a score equal to or in excess of the qualifying score on the required exit assessment(s) as defined in 5 CSR 20-400.310 and 5 CSR 20-400.440. The official score shall be submitted to the department;

5. The applicant must complete the professional requirements as determined by the recommending educator preparation program, which may exceed these minimum requirements; and

6. Individuals who completed an educator preparation program outside of the United States shall provide documentation of completion of coursework in the following:

A. English Composition, two (2) courses, each a minimum of two (2) semester hours;

B. U.S. History, three (3) semester hours; and

C. U.S. Government, three (3) semester hours;

(B) Professional Requirements. A minimum of sixty (60) semester hours of professional preparation. Competency must be demonstrat-

ed to the satisfaction of the educator preparation program for the following topics:

1. Content Planning and Delivery. Candidates are prepared with a deep knowledge of and understand the relationships among curriculum, instruction, and assessment—

A. Curriculum and Instructional Planning;

B. Instructional Strategies and Techniques in Content Area Specialty;

C. Assessment, Student Data, and Data-Based Decision-Making;

D. Strategies for Content Literacy;

E. Critical Thinking and Problem Solving;

F. English Language Learning;

2. Individual Student Needs. Candidates build a robust knowledge of learners and the learning environment—

A. Psychological Development of the Child and Adolescent;

B. Psychology/Education of the Exceptional Child;

C. Differentiated Learning;

D. Classroom Management;

E. Cultural Diversity;

F. Educational Psychology;

3. Schools and the Teaching Profession. Candidates fully understand the role of schools and schooling as well as the professional responsibilities of teachers, including a means of professional growth—

A. Consultation and Collaboration;

B. Legal/Ethical Aspects of Teaching;

4. Content Knowledge for Teaching and Teaching and Learning Strategies for the Young Child (minimum requirement of thirty (30) semester hours)—

A. Early Childhood Principles:

(I) Child Development;

(II) Play-Based and Inquiry-Based Learning;

(III) Observing and Assessing Young Children;

(IV) Language Acquisition;

B. Methods of Teaching and Differentiated Instruction in the following integrated areas:

(I) Language Arts (including reading, writing, speaking, and listening);

(II) Math;

(III) Health;

(IV) Science;

(V) Nutrition;

(VI) Social Studies;

(VII) Music;

(VIII) Safety;

(IX) Movement;

(X) Art; and

(XI) Drama;

5. Home-School-Community Relations (minimum requirement of six (6) semester hours)—

A. Families as Educational Partners;

B. Family Engagement; and

C. Linking Families with Community Resources;

6. Program Management (minimum requirement of six (6) semester hours)—

A. Program Administration and Management;

B. Health, Nutrition, and Safety of Young Children; and

C. Environmental Organization and Design; and

(C) Field and Clinical Experiences (ten (10) semester hours). Field and clinical experiences should be appropriate to the progress of the student through the program and should be supervised through a close-partnership of highly-qualified professionals in appropriate school settings. Such field and clinical experiences shall meet the minimum hours required in paragraphs (1)(C)1.-2., to include experiences in each of the three (3) different age levels (Infant/Toddler, Pre-K/Kindergarten, and Kindergarten – Grade 3).

1. Early Field Experiences (one (1) semester hour with a minimum of thirty (30) clock hours). This limited field experience includes placements in which candidates observe students, support teachers, and respond to specific class assignments. The candidate may work with students individually and/or in small groups as requested and under the supervision of the classroom teacher.

2. Mid-Level Experiences (one (1) semester hour with a minimum of forty-five (45) clock hours). The mid-level experience occurs between the initial placement and the culminating clinical experiences. At the mid-level, candidates continue to observe; respond to specific class assignments; and work with students individually, in small groups, and in whole class settings as requested and under the supervision of the classroom teacher.

3. Culminating Clinical Experiences (eight (8) semester hours with a minimum of twelve (12) weeks in one (1) placement). The culminating experience refers to placements typically in the final sequence leading up to and including student teaching. Candidates actively participate and complete required assignments, work with students as requested and under the supervision of the classroom teacher, and have the opportunity and responsibility to lead the class over an extended period of time.

(2) The requirements of this rule shall become effective August 1, 2017.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 20—Division of Learning Services  
Chapter 400—Office of Educator Quality**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education (board) under sections 168.011, 168.405, and 168.409, RSMo 2000, and sections 161.092, 168.021, 168.071, 168.081, and 168.400, RSMo Supp. 2013, the board adopts a rule as follows:

5 CSR 20-400.520 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2013 (38 MoReg 1978-1979). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The board received numerous comments regarding the proposed rule.

**Editor's Note:** Due to the volume of comments received relating to 5 CSR 20-400.520, the department was unable to publish a list of individuals commenting on this rule. The department maintains a copy of all individual comments, which is available upon request. Requests should be made to Custodian of Records, Office of General Counsel and Governmental Affairs, Department of Elementary and Secondary Education, PO Box 480, Jefferson City, MO 65102-0480.

**COMMENT #1:** The board received forty-seven (47) comments suggesting that this rule cover Grades 1 – 6 for the Elementary Education Certificate as reflected in the current Compendium of Missouri Certification Requirements.

**RESPONSE AND EXPLANATION OF CHANGE:** The board agrees and has amended the proposed title, purpose, and section (1) to reflect the Grades 1 – 6 age range that is currently offered.

**COMMENT #2:** Eighteen (18) comments were received suggesting that this rule cover age ranges Kindergarten – Grade 6 for the Elementary Education Certificate as reflected in the proposed rule.

**RESPONSE AND EXPLANATION OF CHANGE:** The board has

considered this suggestion; however, the board has voted to amend the proposed rule to reflect the Grades 1 – 6 coverage that is currently in place as seen in the title, purpose, and section (1).

**COMMENT #3:** Thirty-six (36) comments were received suggesting that the word “cumulative” be added to paragraph (1)(A)3. to clarify and align the requirements of that section with previous sections.

**RESPONSE AND EXPLANATION OF CHANGE:** The board agreed and voted to add the word “cumulative” to paragraph (1)(A)3. as requested.

**COMMENT #4:** Four (4) comments were received suggesting updates to competencies required under the Professional Requirements of subsection (1)(B).

**RESPONSE AND EXPLANATION OF CHANGE:** The board agreed and voted to update the required competencies to reflect the comments for subsection (1)(B).

**COMMENT #5:** Four (4) comments were received requesting that the word “between” be changed to “among” in paragraph (1)(B)1.

**RESPONSE AND EXPLANATION OF CHANGE:** The board agreed and voted to change the word “between” to “among” in paragraph (1)(B)1.

**COMMENT #6:** Four (4) comments were received requesting that paragraph (1)(B)4. be amended to increase the required semester hours from eighteen (18) to twenty-one (21).

**RESPONSE AND EXPLANATION OF CHANGE:** The board agreed and voted to amend the hours as suggested in paragraph (1)(B)4.

**COMMENT #7:** Four (4) comments were received requesting that subparagraphs (1)(B)4.A.–B. be amended to include updated competency requirements.

**RESPONSE AND EXPLANATION OF CHANGE:** The board agreed and voted to update subparagraphs (1)(B)4.A.–B. to include updated competency requirements.

**COMMENT #8:** Four (4) comments were received stating that the timing for implementation of this rule would impose an undue burden on educator preparation programs and students of such programs if the new requirements were to become effective immediately upon publication of this rule.

**RESPONSE AND EXPLANATION OF CHANGE:** Section (2) has been added, stating that all of the contents of this rule will not become effective until August 1, 2017. This effective date matches the date of implementation for the Missouri Standards for the Preparation of Educators, a closely related administrative rule guiding many of the requirements adopted herein.

**COMMENT #9:** The department missed correcting “semester hours” to “clock hours” in paragraph (1)(C)2. The language in the paragraph is “Mid-Level Field Experiences (one (1) semester hour with a minimum of forty-five (45) semester hours).” Instead, this language should read “Mid-Level Experiences (one (1) semester hour with a minimum of forty-five (45) clock hours).” This is consistent with the other eighteen (18) certification rules that were adopted calling for forty-five (45) clock hours. Further, the State Board of Education adopted the language as “clock hours” instead of “semester hours.” Discussion during the presentation before the State Board of Education clearly indicated that a clock hour requirement was adopted.

**RESPONSE AND EXPLANATION OF CHANGE:** Paragraph (1)(C)2. will be corrected.

**5 CSR 20-400.520 Certification Requirements for Teacher of Elementary Education (Grades 1-6)**

*PURPOSE:* The State Board of Education is authorized to grant certificates of license to teach in any of the public schools of the state and establish requirements and qualifications for those certificates.

*This rule outlines the requirements for application for a certificate of license to teach Elementary Education (Grades 1 – 6).*

(1) An applicant for a Missouri certificate of license to teach Elementary Education (Grades 1 – 6) who possesses good moral character may be granted an initial Missouri certificate of license to teach Elementary Education (Grades 1 – 6) subject to the certification requirements found in 5 CSR 20-400.500 and the following additional certification requirements specific to Elementary Education (Grades 1 – 6):

(A) General Requirements. An applicant for a Missouri certificate of license to teach who has successfully completed an educator preparation program approved by the Missouri Department of Elementary and Secondary Education (department) must comply with the following additional criteria:

1. The applicant must possess a baccalaureate degree from a regionally accredited college or university;

2. The applicant must have a recommendation from the designated official at a baccalaureate or higher-level educator preparation program approved by the department;

3. The applicant must possess an overall grade point average to meet the following specifications:

A. For applicants graduating before the spring semester of the year 2017 from a baccalaureate program approved by the department, a grade point average of 2.50 or higher on a 4.00 scale, and in the major area of study;

B. For applicants graduating in or after the spring semester of the year 2017 from a baccalaureate program approved by the department, a cumulative grade point average on a 4.00 scale of 2.75 or higher, and a grade point average of 3.00 or higher in professional education and the specific content area for which certification is sought; or

C. For applicants graduating in or after the spring semester of the year 2017 from a baccalaureate program who do not meet the appropriate cumulative grade point average requirements, competency may otherwise be demonstrated by achievement of exit assessment scores greater than or equal to a score deemed satisfactory by the State Board of Education (board) to qualify for forgiveness of a disqualifying cumulative grade point average. Such satisfactory score shall be higher than the Missouri qualifying score.

4. The applicant must achieve a score equal to or in excess of the qualifying score on the required exit assessment(s) as defined in 5 CSR 20-400.310 and 5 CSR 20-400.440. The official score shall be submitted to the department;

5. The applicant must complete the professional requirements as determined by the recommending educator preparation program, which may exceed these minimum requirements; and

6. Individuals who completed an educator preparation program outside of the United States shall provide documentation of completion of coursework in the following:

A. English Composition, two (2) courses, each a minimum of two (2) semester hours;

B. U.S. History, three (3) semester hours; and

C. U.S. Government, three (3) semester hours;

(B) Professional Requirements. A minimum of thirty-six (36) semester hours of professional preparation. Competency must be demonstrated to the satisfaction of the educator preparation program for the following topics:

1. Content Planning and Delivery. Candidates are prepared with a deep knowledge of and understand the relationships among curriculum, instruction, and assessment—

A. Curriculum and Instructional Planning;

B. Instructional Strategies and Techniques in Content Area Specialty;

C. Assessment, Student Data, and Data-Based Decision-Making;

D. Strategies for Content Literacy;

E. Critical Thinking and Problem Solving; and

F. English Language Learning;

2. Individual Student Needs. Candidates build a robust knowledge of learners and the learning environment—

A. Psychological Development of the Child and Adolescent;

B. Psychology/Education of the Exceptional Child;

C. Differentiated Learning;

D. Classroom Management;

E. Cultural Diversity; and

F. Education Psychology;

3. Schools and the Teaching Profession. Candidates fully understand the role of schools and schooling as well as the professional responsibilities of teachers, including a means of professional growth—

A. Consultation and Collaboration; and

B. Legal/Ethical Aspects of Teaching;

4. Content Knowledge for Teaching and Teaching and Learning Strategies (minimum requirement of twenty-one (21) semester hours)—

A. At a minimum, the teaching method competencies shall include:

(I) Elementary Literacy (minimum total of twelve (12) semester hours)—to include Children’s Literature, English Language Arts, and Language Acquisition;

(II) Mathematics (minimum of six (6) total semester hours);

(III) Science; and

(IV) Social Science;

B. Integration of the following areas:

(I) Art;

(II) Music;

(III) Health and Physical Education; and

(IV) Technology in Education; and

(C) Field and Clinical Experiences (ten (10) semester hours). Field and clinical experiences should be appropriate to the progress of the student through the program and should be supervised through a close partnership of highly-qualified professionals in appropriate school settings.

1. Early Field Experiences (one (1) semester hour with a minimum of thirty (30) clock hours). The early field experience includes placements in which candidates observe students, support teachers, and respond to specific class assignments. The candidate may work with students individually and/or in small groups as requested and under the supervision of the classroom teacher.

2. Mid-Level Field Experiences (one (1) semester hour with a minimum of forty-five (45) clock hours). The mid-level experience occurs between the initial placement and the culminating clinical experiences. At the mid-level, candidates continue to observe; respond to specific class assignments; and work with students individually, in small groups, and in whole class settings as requested and under the supervision of the classroom teacher.

3. Culminating Clinical Experiences (eight (8) semester hours with a minimum of twelve (12) weeks in one (1) placement). The culminating experience refers to placements typically in the final sequence leading up to and including student teaching. Candidates actively participate and complete required assignments, work with students as requested and under the supervision of the classroom teacher, and have the opportunity and responsibility to lead the class over an extended period of time.

(2) The requirements of this rule shall become effective August 1, 2017.

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

### **Division 20—Division of Learning Services Chapter 400—Office of Educator Quality**

#### **ORDER OF RULEMAKING**

By the authority vested in the State Board of Education (board) under

sections 168.011, 168.405, and 168.409, RSMo 2000, and sections 161.092, 168.021, 168.071, 168.081, and 168.400, RSMo Supp. 2013, the board adopts a rule as follows:

5 CSR 20-400.530 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2013 (38 MoReg 1979-1980). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The board received numerous comments regarding the proposed rule.

**Editor's Note:** Due to the volume of comments received relating to 5 CSR 20-400.530, the department was unable to publish a list of individuals commenting on this rule. The department maintains a copy of all individual comments, which is available upon request. Requests should be made to Custodian of Records, Office of General Counsel and Governmental Affairs, Department of Elementary and Secondary Education, PO Box 480, Jefferson City, MO 65102-0480.

**COMMENT #1:** The board received two (2) comments suggesting that the word "cumulative" be added to paragraph (1)(A)3. to clarify and align the requirements of that section with previous sections. **RESPONSE AND EXPLANATION OF CHANGE:** The board agreed and voted to add the word "cumulative" to paragraph (1)(A)3. as requested.

**COMMENT #2:** Two (2) comments were received suggesting updates to competencies required under the Professional Requirements of subsection (1)(B). **RESPONSE AND EXPLANATION OF CHANGE:** The board agreed and voted to update the required competencies to reflect the comments for subsection (1)(B).

**COMMENT #3:** Four (4) comments were received requesting that the word "between" be changed to "among" in paragraph (1)(B)1. **RESPONSE AND EXPLANATION OF CHANGE:** The board agreed and voted to change the word "between" to "among" in paragraph (1)(B)1.

**COMMENT #4:** Two (2) comments were received requesting that subparagraph (1)(B)3.C. be amended to include updated competency requirements around "Middle School Philosophy and Organization." **RESPONSE AND EXPLANATION OF CHANGE:** The board agreed and voted to update subparagraph (1)(B)3.C. to include the suggested competency requirements.

**COMMENT #5:** One (1) comment was received suggesting that the board update the minimum number of semester hours in Middle School Literacy from nine (9) semester hours to a minimum of six (6) semester hours. **RESPONSE AND EXPLANATION OF CHANGE:** The board agrees and has updated the proposed requirements in paragraph (1)(B)5. accordingly.

**COMMENT #6:** One (1) comment was received suggesting that the board update the minimum number of semester hours in content knowledge areas for a subject area certification in grades 5-9 from twenty-one (21) semester hours to a minimum of twenty-four (24) semester hours. **RESPONSE AND EXPLANATION OF CHANGE:** The board agrees and has updated the proposed requirements in paragraph (1)(B)5. accordingly.

**COMMENT #7:** Four (4) comments were received stating that the

timing for implementation of this rule would impose an undue burden on educator preparation programs and students of such programs if the new requirements were to become effective immediately upon publication of this rule.

**RESPONSE AND EXPLANATION OF CHANGE:** Section (2) has been added, stating that all of the contents of this rule will not become effective until August 1, 2017. This effective date matches the date of implementation for the Missouri Standards for the Preparation of Educators, a closely related administrative rule guiding many of the requirements adopted herein.

**COMMENT #8:** The department missed correcting "semester hours" to "clock hours" in paragraph (1)(C)2. The language in the paragraph is "Mid-Level Field Experiences (one (1) semester hour with a minimum of forty-five (45) semester hours)." Instead, this language should read "Mid-Level Experiences (one (1) semester hour with a minimum of forty-five (45) clock hours)." This is consistent with the other eighteen (18) certification rules that were adopted calling for forty-five (45) clock hours. Further, the State Board of Education adopted the language as "clock hours" instead of "semester hours." Discussion during the presentation before the State Board of Education clearly indicated that a clock hour requirement was adopted.

**RESPONSE AND EXPLANATION OF CHANGE:** Paragraph (1)(C)2. will be corrected.

### **5 CSR 20-400.530 Certification Requirements for a Teacher of Middle School Education (Grades 5-9)**

(1) An applicant for a Missouri certificate of license to teach Middle School Education who possesses good moral character may be granted an initial Missouri certificate of license to teach Middle School Education subject to the certification requirements found in 5 CSR 20-400.500 and the following additional certification requirements specific to Middle School Education:

(A) General Requirements. An applicant for a Missouri certificate of license to teach who has successfully completed an educator preparation program approved by the Missouri Department of Elementary and Secondary Education (department) must comply with the following additional criteria:

1. The applicant must possess a baccalaureate degree from a regionally accredited college or university;

2. The applicant must have a recommendation from the designated official at a baccalaureate or higher-level educator preparation program approved by the department;

3. The applicant must possess an overall grade point average to meet the following specifications:

A. For applicants graduating before the spring semester of the year 2017 from a baccalaureate program approved by the department, a grade point average of 2.50 or higher on a 4.00 scale, and in the major area of study;

B. For applicants graduating in or after the spring semester of the year 2017 from a baccalaureate program approved by the department, a cumulative grade point average on a 4.00 scale of 2.75 or higher, and a grade point average of 3.00 or higher in professional education and the specific content area for which certification is sought; or

C. For applicants graduating in or after the spring semester of the year 2017 from a baccalaureate program who do not meet the appropriate cumulative grade point average requirements, competency may otherwise be demonstrated by achievement of exit assessment scores greater than or equal to a score deemed satisfactory by the board to qualify for forgiveness of a disqualifying cumulative grade point average. Such satisfactory score shall be higher than the Missouri qualifying score.

4. The applicant must achieve a score equal to or in excess of the qualifying score on the required exit assessment(s) as defined in 5 CSR 20-400.310 and 5 CSR 20-400.440. The official score shall be submitted to the department;

5. The applicant must complete the professional requirements as determined by the recommending educator preparation program, which may exceed these minimum requirements; and

6. Individuals who completed an educator preparation program outside of the United States shall provide documentation of completion of coursework in the following:

A. English Composition, two (2) courses, each a minimum of two (2) semester hours;

B. U.S. History, three (3) semester hours; and

C. U.S. Government, three (3) semester hours;

(B) Professional Requirements. A minimum of forty-five (45) semester hours in professional education. Competency must be demonstrated in the following areas listed to the satisfaction of the educator preparation program:

1. Content Planning and Delivery. Candidates are prepared with a deep knowledge of and understand the relationship among curriculum, instruction, and assessment—

A. Curriculum and Instructional Planning;

B. Instructional Strategies and Techniques in Content Area Specialty;

C. Assessment, Student Data, and Data-Based Decision-Making;

D. Strategies for Content Literacy;

E. Critical Thinking and Problem Solving; and

F. English Language Learning;

2. Individual Student Needs. Candidates build a robust knowledge of learners and the learning environment—

A. Psychological Development of the Child and Adolescent;

B. Psychology/Education of the Exceptional Child;

C. Differentiated Learning;

D. Classroom Management;

E. Cultural Diversity; and

F. Educational Psychology;

3. Schools and the Teaching Profession. Candidates fully understand the role of schools and schooling as well as the professional responsibilities of teachers, including a means of professional growth—

A. Consultation and Collaboration;

B. Legal/Ethical Aspects of Teaching; and

C. Middle School Philosophy and Organization;

4. Middle School Literacy (minimum of six (6) semester hours): to include coursework in methods of teaching reading and writing in the content area, and to include instructional interventions for students with reading deficits; and

5. Content Knowledge for Teaching (minimum requirement of twenty-four (24) semester hours). Subject area certification in grades five through nine (5-9) will be granted upon the basis of a minimum of twenty-four (24) semester hours with appropriate distribution as determined by the educator preparation program and/or the department, in one (1) of the following areas:

A. Agricultural Education (5-9);

B. Business Education (5-9);

C. Technology and Engineering (5-9);

D. Language Arts (5-9);

E. Mathematics (5-9);

F. Science (5-9);

G. Social Science (5-9); and

H. Speech/Theatre (5-9); and

(C) Field and Clinical Experiences (ten (10) semester hours). Field and clinical experiences should be appropriate to the progress of the student through the program and should be supervised through a close partnership of highly-qualified professionals in appropriate school settings.

1. Early Field Experiences (one (1) semester hour with a minimum of thirty (30) clock hours). The early field experience includes placements in which candidates observe students, support teachers, and respond to specific class assignments. The candidate may work with students individually and/or in small groups as requested and

under the supervision of the classroom teacher.

2. Mid-Level Field Experiences (one (1) semester hour with a minimum of forty-five (45) clock hours). The mid-level experience occurs between the initial placement and the culminating clinical experiences. At the mid-level, candidates continue to observe; respond to specific class assignments; and work with students individually, in small groups, and in whole class settings as requested and under the supervision of the classroom teacher.

3. Culminating Clinical Experiences (eight (8) semester hours with a minimum of twelve (12) weeks in one (1) placement). The culminating experience refers to placements typically in the final sequence leading up to and including student teaching. Candidates actively participate and complete required assignments, work with students as requested and under the supervision of the classroom teacher, and have the opportunity and responsibility to lead the class over an extended period of time.

(2) The requirements of this rule shall become effective August 1, 2017.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 20—Division of Learning Services  
Chapter 400—Office of Educator Quality**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education (board) under sections 168.011, 168.405, and 168.409, RSMo 2000, and sections 161.092, 168.021, 168.071, 168.081, and 168.400, RSMo Supp. 2013, the board adopts a rule as follows:

5 CSR 20-400.540 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2013 (38 MoReg 1981–1984). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received numerous comments regarding the proposed rule.

Editor's Note: Due to the volume of comments received relating to 5 CSR 20-400.540, the department was unable to publish a list of individuals commenting on this rule. The department maintains a copy of all individual comments, which is available upon request. Requests should be made to Custodian of Records, Office of General Counsel and Governmental Affairs, Department of Elementary and Secondary Education, PO Box 480, Jefferson City, MO 65102-0480.

COMMENT #1: The board received eight (8) comments suggesting that the word "cumulative" be added to paragraph (1)(A)3. to clarify and align the requirements of that section with previous sections.

RESPONSE AND EXPLANATION OF CHANGE: The board agreed and voted to add the word "cumulative" to paragraph (1)(A)3. as requested.

COMMENT #2: Four (4) comments were received suggesting updates to competencies required under the Professional Requirements of subsection (1)(B).

RESPONSE AND EXPLANATION OF CHANGE: The board agreed and voted to update the required competencies to reflect the comments for subsection (1)(B).

COMMENT #3: Four (4) comments were received requesting that the word "between" be changed to "among" in paragraph (1)(B)1.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and voted to change the word “between” to “among” in paragraph (1)(B)1.

COMMENT #4: Two (2) comments were received suggesting an amendment to the Secondary Literacy requirements in paragraph (1)(B)4. to include coursework specific to teaching reading and writing in the content area for which certification is sought, and to include instructional interventions for students with reading deficits. RESPONSE AND EXPLANATION OF CHANGE: The board agrees and voted to update the Secondary Literacy requirements in paragraph (1)(B)4. accordingly.

COMMENT #5: Three (3) comments were received suggesting that the semester hour requirements in section (2) be increased from forty-one (41) to fifty-three (53).

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and voted to update the semester hours in section (2) as suggested.

COMMENT #6: Three (3) comments were received suggesting that the requirement of zero (0) to twelve (12) elective hours be added to the proposed rules as they appeared in the Compendium of Missouri Certification Requirements in paragraph (2)(A)7.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and has added the elective requirement to paragraph (2)(A)7.

COMMENT #7: One (1) comment was received suggesting that three (3) additional semester hours of Economics be required for the Business certificate, bringing the total semester hours in Economics to six (6), and increasing the total semester hours requirement for the Business certificate to thirty-nine (39).

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and voted to update the semester hour requirements.

COMMENT #8: Three (3) comments were received stating that the timing for implementation of this rule would impose an undue burden on educator preparation programs and students of such programs if the new requirements were to become effective immediately upon publication of this rule.

RESPONSE AND EXPLANATION OF CHANGE: Section (21) has been added, stating that all of the contents of this rule will not become effective until August 1, 2017. This effective date matches the date of implementation for the Missouri Standards for the Preparation of Educators, a closely related administrative rule guiding many of the requirements adopted herein.

COMMENT #9: The department missed correcting “semester hours” to “clock hours” in paragraph (1)(C)2. The language in the paragraph is “Mid-Level Field Experiences (one (1) semester hour with a minimum of forty-five (45) semester hours).” Instead, this language should read “Mid-Level Experiences (one (1) semester hour with a minimum of forty-five (45) clock hours).” This is consistent with the other eighteen (18) certification rules that were adopted calling for forty-five (45) clock hours. Further, the State Board of Education adopted the language as “clock hours” instead of “semester hours.” Discussion during the presentation before the State Board of Education clearly indicated that a clock hour requirement was adopted.

RESPONSE AND EXPLANATION OF CHANGE: Paragraph (1)(C)2. will be corrected.

### 5 CSR 20-400.540 Certification Requirements for Teacher of Secondary Education (Grades 9 – 12)

(1) An applicant for a Missouri certificate of license to teach Secondary Education who possesses good moral character may be granted an initial Missouri certificate of license to teach Secondary Education subject to the certification requirements found in 5 CSR 20-400.500 and the following additional certification requirements

specific to Secondary Education:

#### (A) General Requirements—

1. A baccalaureate degree from a college or university having an educator preparation program approved by the Missouri Department of Elementary and Secondary Education (department) or from a college or university having an educator preparation program approved by the state education agency in states other than Missouri;

2. The applicant must have a recommendation from the designated official at a baccalaureate or higher-level educator preparation program approved by the department;

3. The applicant must possess an overall grade point average to meet the following specifications:

A. For applicants graduating before the spring semester of the year 2017 from a baccalaureate program approved by the department, a grade point average of 2.50 or higher on a 4.00 scale, and in the major area of study;

B. For applicants graduating in or after the spring semester of the year 2017 from a baccalaureate program approved by the department, a cumulative grade point average on a 4.00 scale of 2.75 or higher, and a grade point average of 3.00 or higher in professional education and the specific content area for which certification is sought; or

C. For applicants graduating in or after the spring semester of the year 2017 from a baccalaureate program who do not meet the appropriate cumulative grade point average requirements, competency may otherwise be demonstrated by achievement of exit assessment scores greater than or equal to a score deemed satisfactory by the board to qualify for forgiveness of a disqualifying cumulative grade point average. Such satisfactory score shall be higher than the Missouri qualifying score;

4. The applicant must achieve a score equal to or in excess of the qualifying score on the required exit assessment(s) as defined in 5 CSR 20-400.310 and 5 CSR 20-400.440. The official score shall be submitted to the department;

5. The applicant must complete the professional requirements as determined by the recommending educator preparation program which may exceed these minimum requirements; and

6. Individuals who completed an educator preparation program outside of the United States shall provide documentation of completion of coursework in the following:

A. English Composition, two (2) courses, each a minimum of two (2) semester hours;

B. U.S. History, three (3) semester hours; and

C. U.S. Government, three (3) semester hours;

(B) Professional Requirements. A minimum requirement of thirty-six (36) semester hours in professional education. Competency must be demonstrated in the following topics listed to the satisfaction of the educator preparation institution:

1. Content Planning and Delivery. Candidates are prepared with a deep knowledge of and understand the relationship among curriculum, instruction, and assessment—

A. Curriculum and Instructional Planning;

B. Instructional Strategies and Techniques in Content Area Specialty;

C. Assessment, Student Data, and Data-Based Decision-Making;

D. Strategies for Content Literacy;

E. Critical Thinking and Problem Solving; and

F. English Language Learning;

2. Individual Student Needs. Candidates build a robust knowledge of learners and the learning environment —

A. Psychological Development of the Child and Adolescent;

B. Psychology/Education of the Exceptional Child;

C. Differentiated Learning;

D. Classroom Management;

E. Cultural Diversity; and

F. Educational Psychology;

3. Schools and the Teaching Profession. Candidates fully understand the role of schools and schooling as well as the professional responsibilities of teachers, including a means of professional growth—

- A. Consultation and Collaboration; and
- B. Legal/Ethical Aspects of Teaching; and

4. Secondary Literacy (minimum of six (6) semester hours) to include coursework specific to teaching reading and writing in the content area for which certification is sought, and to include instructional interventions for students with reading deficits; and

(C) Field and Clinical Experiences (ten (10) semester hours). Field and clinical experiences should be appropriate to the progress of the student through the program and should be supervised through a close partnership of highly-qualified professionals in appropriate school settings.

1. Early Field Experiences (one (1) semester hour with a minimum of thirty (30) clock hours). The early field experience includes placements in which candidates observe students, support teachers, and respond to specific class assignments. The candidate may work with students individually and/or in small groups as requested and under the supervision of the classroom teacher.

2. Mid-Level Field Experiences (one (1) semester hour with a minimum of forty-five (45) clock hours). The mid-level experience occurs between the initial placement and the culminating clinical experiences. At the mid-level, candidates continue to observe; respond to specific class assignments; and work with students individually, in small groups, and in whole class settings as requested and under the supervision of the classroom teacher.

3. Culminating Clinical Experiences (eight (8) semester hours with a minimum of twelve (12) weeks in one (1) placement). The culminating experience refers to placements typically in the final sequence leading up to and including student teaching. Candidates actively participate and complete required assignments, work with students as requested and under the supervision of the classroom teacher, and have the opportunity and responsibility to lead the class over an extended period of time.

(2) In addition to the requirements specified in subsections (1)(A)-(C) of this rule, an applicant for a Missouri certificate of license to teach Agriculture may be granted an initial Missouri certificate of license to teach Agriculture subject to completion of at least fifty-three (53) semester hours in the following content knowledge areas and demonstration of competency to the satisfaction of the educator preparation institution:

(A) A minimum of thirty (30) semester hours shall be completed from paragraphs (2)(A)1.-7.—

- 1. Animal Science, minimum of three (3) semester hours;
- 2. Agronomy, minimum of three (3) semester hours;
- 3. Agricultural Business, minimum of three (3) semester hours;
- 4. Agricultural Economics, minimum of three (3) semester hours;
- 5. Agricultural Mechanics, minimum of three (3) semester hours;
- 6. Horticulture, minimum of three (3) semester hours; and
- 7. Electives from sections (1)-(6), zero (0) to twelve (12) semester hours.

(3) In addition to the requirements specified in subsections (1)(A)-(C) of this rule, an applicant for a Missouri certificate of license to teach Business may be granted an initial Missouri certificate of license to teach Business subject to completion of at least thirty-nine (39) semester hours in the following content knowledge areas and demonstration of competency to the satisfaction of the educator preparation institution:

- (A) Accounting, six (6) semester hours;
- (B) Economics, six (6) semester hours;
- (C) Business/Consumer Related Law, three (3) semester hours;
- (D) Business Communications, three (3) semester hours;
- (E) Management, three (3) semester hours;

- (F) Marketing, three (3) semester hours;
- (G) Computer/Emerging Technology, six (6) semester hours;
- (H) Electives, three (3) semester hours;
- (I) Implementing Business Education Programs, three (3) semester hours; and
- (J) Coordination of Cooperative Education, three (3) semester hours.

(7) In addition to the requirements specified in subsections (1)(A)-(C) of this rule, an applicant for a Missouri certificate of license to teach Marketing may be granted an initial Missouri certificate of license to teach Marketing subject to completion of at least thirty-six (36) semester hours in the following content knowledge areas and demonstration of competency to the satisfaction of the educator preparation institution:

- (A) Management or Business Administration, three (3) semester hours;
- (B) Economics, six (6) semester hours;
- (C) Electives from Business, Management, or Entrepreneurship, nine (9) semester hours;
- (D) Marketing (suggested areas: Distribution, Financing, Marketing-Information Management, Promotion, Selling, Product/Service Management, International Marketing, and E-commerce Marketing), fifteen (15) semester hours; and
- (E) Coordination of Cooperative Education, three (3) semester hours.

(21) The requirements of this rule shall become effective August 1, 2017.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 20—Division of Learning Services  
Chapter 400—Office of Educator Quality**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education (board) under sections 168.011, 168.405, and 168.409, RSMo 2000, and sections 161.092, 168.021, 168.071, 168.081, and 168.400, RSMo Supp. 2013, the board adopts a rule as follows:

5 CSR 20-400.550 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2013 (38 MoReg 1985-1987). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The board received numerous comments regarding the proposed rule.

**Editor's Note:** Due to the volume of comments received relating to 5 CSR 20-400.550, the department was unable to publish a list of individuals commenting on this rule. The department maintains a copy of all individual comments, which is available upon request. Requests should be made to Custodian of Records, Office of General Counsel and Governmental Affairs, Department of Elementary and Secondary Education, PO Box 480, Jefferson City, MO 65102-0480.

**COMMENT #1:** The board received eight (8) comments suggesting that the word "cumulative" be added to paragraph (1)(A)3. to clarify and align the requirements of that section with previous sections. **RESPONSE AND EXPLANATION OF CHANGE:** The board agreed and voted to add the word "cumulative" to paragraph (1)(A)3. as requested.



COMMENT #2: Four (4) comments were received suggesting updates to competencies required under the Professional Requirements of subsection (1)(B).

RESPONSE AND EXPLANATION OF CHANGE: The board agreed and voted to update the required competencies to reflect the comments for subsection (1)(B).

COMMENT #3: One hundred twenty-four (124) comments were received suggesting that the semester hours required in subsection (1)(B) be reduced to twenty-six (26) total hours as reflected in the current Compendium of Missouri Certification Requirements.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and voted to change the semester hour requirements in subsection (1)(B).

COMMENT #4: Four (4) comments were received requesting that the word “between” be changed to “among” in paragraph (1)(B)1.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and voted to change the word “between” to “among” in paragraph (1)(B)1.

COMMENT #5: Twelve (12) comments were received suggesting that the Field and Clinical Experiences be moved to paragraph (1)(B)5. to make the ten (10) semester hours in the Field and Clinical Experiences be included as part of the total twenty-six (26) hours of Professional Requirements.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and voted to include the Field and Clinical Experiences as a part of the Professional Requirements in section (1)(B)5.

COMMENT #6: One (1) comment was received suggesting that the Field and Clinical Experiences in subsection (1)(C) include experiences at both the elementary and the secondary level.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and voted to add the clarifying language to paragraph (1)(B)5.

COMMENT #7: Four (4) comments were received suggesting that subsections (3)(C)–(F) be updated to include additional competencies.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and voted to update the rule to include the additional competencies in subsections (3)(C)–(F).

COMMENT #8: Seventeen (17) comments were received suggesting that subsections (4)(A)–(B) be updated to included additional competencies around Program Development and Career and Technical Student Organizations.

RESPONSE AND EXPLANATION OF CHANGE: The board elected to adopt the suggested additional competencies in subsections (4)(A)–(B).

COMMENT #9: One (1) comment was received suggesting that the certificate in section (5) be changed from “Foreign Language” to “World Languages.”

RESPONSE AND EXPLANATION OF CHANGE: The board voted to adopt the suggested new title for the certificate to align with current practice.

COMMENT #10: Five (5) comments were received requesting that the number of required semester hours for section (7) be reduced from thirty-three (33) to thirty (30) as it appears in the current Compendium of Missouri Certification Requirements.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and voted to reduce the semester hours in section (7) accordingly.

COMMENT #11: One hundred eighteen (118) comments were received requesting that the courses and corresponding semester hours of section (8) be aligned to national standards for music education.

RESPONSE AND EXPLANATION OF CHANGE: The board

agrees and voted to add new language and corresponding semester hour requirements in section (8) to align with national music education standards.

COMMENT #12: Five (5) comments were received suggesting that the semester hour requirements in section (9) be increased from forty-five (45) to fifty-one (51) semester hours for a Physical Education Certificate.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and has voted to increase the semester hour requirements in section (9) accordingly.

COMMENT #13: Five (5) comments were received requesting that subsections (5)(K)–(M) be updated to include a new course in Team/Individual Sports Instruction, as well as three (3) additional semester hours in First Aid, CPR, and Care of Activity/Sport Injuries.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and has added a new course in Team/Individual Sports Instruction as well as three (3) more hours in First Aid, CPR, and Care of Activity/Sport Injuries in subsections (5)(K)–(M).

COMMENT #14: Four (4) comments were received stating that the timing for implementation of this rule would impose an undue burden on educator preparation programs and students of such programs if the new requirements were to become effective immediately upon publication of this rule.

RESPONSE AND EXPLANATION OF CHANGE: Section (10) has been added, stating that all of the contents of this rule will not become effective until August 1, 2017. This effective date matches the date of implementation for the Missouri Standards for the Preparation of Educators, a closely related administrative rule guiding many of the requirements adopted herein.

COMMENT #15: The department missed correcting “semester hours” to “clock hours” in paragraph (1)(C)2. The language in the paragraph is “Mid-Level Field Experiences (one (1) semester hour with a minimum of forty-five (45) semester hours).” Instead, this language should read “Mid-Level Experiences (one (1) semester hour with a minimum of forty-five (45) clock hours).” This is consistent with the other eighteen (18) certification rules that were adopted calling for forty-five (45) clock hours. Further, the State Board of Education adopted the language as “clock hours” instead of “semester hours.” Discussion during the presentation before the State Board of Education clearly indicated that a clock hour requirement was adopted.

RESPONSE AND EXPLANATION OF CHANGE: Paragraph (1)(C)2. will be corrected and renumbered as (1)(B)5.B.

### 5 CSR 20-400.550 Certification Requirements for Teacher of K-12 Education

(1) An applicant for a Missouri certificate of license to teach Secondary Education who possesses good moral character may be granted an initial Missouri certificate of license to teach K-12 Education subject to the certification requirements found in 5 CSR 20-400.500 and the following additional certification requirements specific to K-12 Education:

(A) General Requirements—

1. A baccalaureate degree from a college or university having an educator preparation program approved by the Missouri Department of Elementary and Secondary Education (department) or from a college or university having an educator preparation program approved by the state education agency in states other than Missouri.

2. The applicant must have a recommendation from the designated official at a baccalaureate or higher-level educator preparation program approved by the department.

3. The applicant must possess an overall grade point average to meet the following specifications:

A. For applicants graduating before the spring semester of the

year 2017 from a baccalaureate program approved by the department, a grade point average of 2.50 or higher on a 4.00 scale, and in the major area of study;

B. For applicants graduating in or after the spring semester of the year 2017 from a baccalaureate program approved by the department, a cumulative grade point average on a 4.00 scale of 2.75 or higher, and a grade point average of 3.00 or higher in professional education and the specific content area for which certification is sought; or

C. For applicants graduating in or after the spring semester of the year 2017 from a baccalaureate program who do not meet the appropriate cumulative grade point average requirements, competency may otherwise be demonstrated by achievement of exit assessment scores greater than or equal to a score deemed satisfactory by the board to qualify for forgiveness of a disqualifying cumulative grade point average. Such satisfactory score shall be higher than the Missouri qualifying score;

4. The applicant must achieve a score equal to or in excess of the qualifying score on the required exit assessment(s) as defined in 5 CSR 20-400.310 and 5 CSR 20-400.440. The official score shall be submitted to the department;

5. The applicant must complete the professional requirements as determined by the recommending educator preparation program which may exceed these minimum requirements; and

6. Individuals who completed an educator preparation program outside of the United States shall provide documentation of completion of coursework in the following:

A. English Composition, two (2) courses, each a minimum of two (2) semester hours;

B. U.S. History, three (3) semester hours; and

C. U.S. Government, three (3) semester hours.

(B) Professional Requirements. A minimum requirement of twenty-six (26) semester hours in professional education. Competency must be demonstrated in the following topics listed to the satisfaction of the educator preparation institution:

1. Content Planning and Delivery. Candidates are prepared with a deep knowledge of and understand the relationship among curriculum, instruction, and assessment—

A. Curriculum and Instructional Planning;

B. Instructional Strategies and Techniques in Content Area Specialty;

C. Assessment, Student Data, and Data-Based Decision-Making;

D. Strategies for Content Literacy;

E. Critical Thinking and Problem Solving; and

F. English Language Learning;

2. Individual Student Needs. Candidates build a robust knowledge of learners and the learning environment—

A. Psychological Development of the Child and Adolescent;

B. Psychology/Education of the Exceptional Child;

C. Differentiated Learning;

D. Classroom Management;

E. Cultural Diversity; and

F. Educational Psychology;

3. Schools and the Teaching Profession. Candidates fully understand the role of schools and schooling as well as the professional responsibilities of teachers, including a means of professional growth—

A. Consultation and Collaboration; and

B. Legal/Ethical Aspects of Teaching; and

4. Literacy (minimum of three (3) semester hours) to include coursework in methods of teaching reading and writing in the content area for which certification is sought.

5. Field and Clinical Experiences (ten (10) semester hours). Field and clinical experiences should be appropriate to the progress of the student through the program and should be supervised through a close partnership of highly-qualified professionals in appropriate school settings. Such field and clinical experiences shall include exper-

iences at both the elementary and the secondary level.

A. Early Field Experiences (one (1) semester hour with a minimum of thirty (30) clock hours). The early field experience includes placements in which candidates observe students, support teachers, and respond to specific class assignments. The candidate may work with students individually and/or in small groups as requested and under the supervision of the classroom teacher.

B. Mid-Level Field Experiences (one (1) semester hour with a minimum of forty-five (45) clock hours). The mid-level experience occurs between the initial placement and the culminating clinical experiences. At the mid-level, candidates continue to observe; respond to specific class assignments; and work with students individually, in small groups, and in whole class settings as requested and under the supervision of the classroom teacher.

C. Culminating Clinical Experiences (eight (8) semester hours with a minimum of twelve (12) weeks in one (1) placement). The culminating experience refers to placements typically in the final sequence leading up to and including student teaching. Candidates actively participate and complete required assignments, work with students as requested and under the supervision of the classroom teacher, and have the opportunity and responsibility to lead the class over an extended period of time.

(3) In addition to the requirements specified in subsections (1)(A)-(C) of this rule, an applicant for a Missouri certificate of license to teach Dance may be granted an initial Missouri certificate of license to teach Dance subject to completion of at least thirty (30) semester hours in the following content knowledge areas and demonstration of competency to the satisfaction of the educator preparation institution:

(A) Ballet Technique, six (6) semester hours;

(B) Contemporary Technique, six (6) semester hours;

(C) Other Techniques, to include Tap, Jazz, Yoga, Folk, Ballroom, six (6) semester hours;

(D) Dance Theory, three (3) semester hours;

(E) Dance Composition, three (3) semester hours; and

(F) Elective from paragraphs 1.–4. below, six (6) hours:

1. Anatomy and Kinesiology;

2. Ethnology (dance in other cultures);

3. Music for Dance; or

4. Somatics (body-mind techniques).

(4) In addition to the requirements specified in subsections (1)(A)-(C) of this rule, an applicant for a Missouri certificate of license to teach Family and Consumer Sciences may be granted an initial Missouri certificate of license to teach Family and Consumer Sciences subject to completion of at least thirty-three (33) semester hours in the following content knowledge areas and demonstration of competency to the satisfaction of the educator preparation institution:

(A) Program Development and Professional Practice, two (2) semester hours;

(B) Career and Technical Student Organizations, one (1) semester hour;

(C) Nutrition, Health, and Wellness (including Health Issues and Concepts as well as Scientific Principles Related to Food Preparation), six (6) semester hours;

(D) Family and Consumer Resource Management, twelve (12) semester hours (including three (3) semester hours each in: Personal Finance; Family and Consumer Resource Management; Housing and Environment; and Textiles, Apparel, and Fashion);

(E) Human Development and Parenting, six (6) semester hours; and

(F) Family and Interpersonal Relationships, six (6) semester hours.

(5) In addition to the requirements specified in subsections (1)(A)-(C) of this rule, an applicant for a Missouri certificate of license to teach World Languages may be granted an initial Missouri certificate of license to teach World Languages subject to completion of at least thirty (30) semester hours in the language to be taught, or twenty-seven (27) semester hours plus two (2) or more earned units of high

school credit in that language. Additionally, the applicant must complete a minimum of fifteen (15) semester hours in upper-level courses with no more than six (6) of those semester hours in history/culture and demonstrate competency to the satisfaction of the educator preparation institution.

(7) In addition to the requirements specified in subsections (1)(A)-(C) of this rule, an applicant for a Missouri certificate of license for Library Media Specialist may be granted an initial Missouri certificate of license for Library Media Specialist subject to completion of at least thirty (30) semester hours in the following content knowledge areas and demonstration of competency to the satisfaction of the educator preparation institution:

(8) In addition to the requirements specified in subsections (1)(A)-(C) of this rule, an applicant for a Missouri certificate of license to teach Music may be granted an initial Missouri certificate of license to teach Music subject to completion of at least forty-five (45) semester hours in the following content knowledge areas and demonstration of competency to the satisfaction of the educator preparation institution:

(A) For applicants for a Missouri license to teach Vocal Music—

1. Music Theory, History, and Choral Arranging, fifteen (15) semester hours;
2. Piano (or proficiency) and Applied Voice, nine (9) semester hours;
3. Choral Conducting, Techniques, and Literature, twelve (12) semester hours ;
4. Choral Ensemble, three (3) semester hours; and
5. Methods/Techniques of Teaching Pre-K/Elementary, and Middle School/Secondary Music, six (6) semester hours.

(B) For applicants for a Missouri license to teach Instrumental Music—

1. Music Theory, History, and Instrumentation/Arranging, fifteen (15) semester hours;
2. Piano (or proficiency) and Applied Major Instrument, nine (9) semester hours;
3. Instrumental Conducting, Techniques, and Literature, twelve (12) semester hours;
4. Instrumental Ensemble, three (3) semester hours; and
5. Methods/Techniques of Teaching Pre-K/Elementary, and Middle School/Secondary Music, six (6) semester hours.

(9) In addition to the requirements specified in subsections (1)(A)-(C) of this rule, an applicant for a Missouri certificate of license to teach Physical Education may be granted an initial Missouri certificate of license to teach Physical Education subject to completion of at least fifty-one (51) semester hours in the following content knowledge areas and demonstration of competency to the satisfaction of the educator preparation institution:

- (A) History and Philosophy, three (3) semester hours;
- (B) Anatomy-Physiology, three (3) semester hours;
- (C) Kinesiology, three (3) semester hours;
- (D) Physiology of Exercise, three (3) semester hours;
- (E) Assessment in Physical Education, three (3) semester hours;
- (F) Health Related Fitness/Wellness, three (3) semester hours;
- (G) Lifetime Activities and Dance, three (3) semester hours;
- (H) Adapted Physical Education, three (3) semester hours;
- (I) Psychological/Sociological Aspects of Physical Education, three (3) semester hours;
- (J) Motor Development/Motor Learning, three (3) semester hours;
- (K) First Aid, CPR, and Care of Activity/Sport Injuries, six (6) semester hours;
- (L) Movement and Rhythms, three (3) semester hours;
- (M) Team/Individual Sports Instruction, three (3) semester hours;
- (N) Instructional Techniques in Physical Education K-12, six (6) semester hours; and
- (O) Nutrition, three (3) semester hours.

(10) The requirements of this rule shall become effective August 1, 2017.

## Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

### Division 20—Division of Learning Services Chapter 400—Office of Educator Quality

#### ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under sections 168.011, 168.405, and 168.409, RSMo 2000, and sections 161.092, 168.021, 168.071, 168.081, and 168.400, RSMo Supp. 2013, the board adopts a rule as follows:

5 CSR 20-400.560 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2013 (38 MoReg 1987-1992). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received numerous comments regarding the proposed rule.

Editor's Note: Due to the volume of comments received relating to 5 CSR 20-400.560, the department was unable to publish a list of individuals commenting on this rule. The department maintains a copy of all individual comments, which is available upon request. Requests should be made to Custodian of Records, Office of General Counsel and Governmental Affairs, Department of Elementary and Secondary Education, PO Box 480, Jefferson City, MO 65102-0480.

COMMENT #1: The board received eight (8) comments suggesting that the word "cumulative" be added to paragraph (1)(A)3. to clarify and align the requirements of that section with previous sections.

RESPONSE AND EXPLANATION OF CHANGE: The board agreed and voted to add the word "cumulative" to paragraph (1)(A)3. as requested.

COMMENT #2: Two (2) comments were received stating that the grade levels for section (2) and section (3) should cover Birth - Grade 12 rather than the proposed Kindergarten - Grade 12.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and has amended the proposed title and sections (2) and (3) to reflect the Birth - Grade 12 age range coverage for the certificate in this rule.

COMMENT #3: One (1) comment was received suggesting that the title for the Blind and Partially Sighted Certificate in section (2) be changed to a more current Blind and Low Vision Certificate.

RESPONSE AND EXPLANATION OF CHANGE: The board agreed and voted to change the title of the certificate in section (2).

COMMENT #4: Four (4) comments were received requesting that the word "between" be changed to "among" in paragraph (2)(A)1.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and voted to change the word "between" to "among" in paragraph (2)(A)1.

COMMENT #5: Thirty-seven (37) comments were received suggesting the competencies required under the Professional Requirements of paragraphs (2)(A)1.-4. be updated to match current language and student needs.

RESPONSE AND EXPLANATION OF CHANGE: The board agreed and voted to update the required competencies to reflect the comments for paragraphs (2)(A)1.-4.

COMMENT #6: Forty-three (43) comments were received suggesting that the Field and Clinical Experiences in paragraphs (2)(B)1.-3. be updated to match the Field and Clinical Experiences as required under the Missouri Standards for the Preparation of Educators.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and has updated the Field and Clinical Experiences accordingly in paragraphs (2)(B)1.-3.

COMMENT #7: Eighteen (18) comments were received stating that the title for the Deaf and Hearing Impaired Certificate in section (3) was outdated and that it should be updated to Deaf and Hard of Hearing.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and has updated the certificate title to Deaf and Hard of Hearing in section (3).

COMMENT #8: Four (4) comments were received requesting that the word “between” be changed to “among” in paragraph (3)(A)1.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and voted to change the word “between” to “among” in paragraph (3)(A)1.

COMMENT #9: Thirty-seven (37) comments were received suggesting the competencies required under the Professional Requirements of paragraphs (3)(A)1.-4. be updated to match current language and student needs.

RESPONSE AND EXPLANATION OF CHANGE: The board agreed and voted to update the required competencies to reflect the comments for subsection (3)(A)1.-4.

COMMENT #10: Forty-three (43) comments were received suggesting that the Field and Clinical Experiences in subsection (3)(B) be updated to match the Field and Clinical Experiences as required under the Missouri Standards for the Preparation of Educators.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and has updated the section accordingly in subsection (3)(B).

COMMENT #11: Forty-two (42) comments were received requesting that the grade range coverage for section (4), Early Childhood Special Education, be changed from Birth – Pre-Kindergarten to Birth – Grade 3 to match the grade coverage for the Early Childhood Certificate.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and has changed the grade level in section (4) to match the appropriate range for this certificate.

COMMENT #12: Twenty-eight (28) comments were received suggesting that the required number of semester hours for the Early Childhood Special Education Certificate in subsection (4)(A) be changed from thirty-six (36) to sixty (60) to account for additional coursework and/or competencies in early childhood education concepts.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and has amended the semester hour requirements in subsection (4)(A) to account for additional coursework and/or competencies.

COMMENT #13: Four (4) comments were received requesting that the word “between” be changed to “among” in paragraph (4)(A)1.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and voted to change the word “between” to “among” in paragraph (4)(A)1.

COMMENT #14: Thirty-seven (37) comments were received suggesting the competencies required under the Professional Requirements of paragraphs (4)(A)1.-4. be updated to match current language and student needs.

RESPONSE AND EXPLANATION OF CHANGE: The board agreed and voted to update the required competencies to reflect the comments for paragraphs (4)(A)1.-4.

COMMENT #15: Forty-three (43) comments were received suggesting that the Field and Clinical Experiences in subsection (4)(B) be updated to match the Field and Clinical Experiences as required under the Missouri Standards for the Preparation of Educators.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and has updated the section accordingly in subsection (4)(B).

COMMENT #16: Forty-two (42) comments were received requesting that the grade range coverage for section (5), Mild/Moderate Cross-Categorical, be changed from a split certificate (Kindergarten – Grade 6 and Grades 7 – 12) to a Kindergarten – Grade 12 Certificate.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and has changed the grade levels in section (5) to match the appropriate range for this certificate.

COMMENT #17: Four (4) comments were received requesting that the word “between” be changed to “among” in paragraph (5)(A)1.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and voted to change the word “between” to “among” in paragraph (5)(A)1.

COMMENT #18: Thirty-seven (37) comments were received suggesting the competencies required under the Professional Requirements of paragraphs (5)(A)1.-4. be updated to match current language and student needs.

RESPONSE AND EXPLANATION OF CHANGE: The board agreed and voted to update the required competencies to reflect the comments for paragraphs (5)(A)1.-4.

COMMENT #19: Forty-three (43) comments were received suggesting that the Field and Clinical Experiences in subsection (5)(B) be updated to match the Field and Clinical Experiences as required under the Missouri Standards for the Preparation of Educators.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and has updated subsection (5)(B) accordingly.

COMMENT #20: Four (4) comments were received stating that the timing for implementation of this rule would impose an undue burden on educator preparation programs and students of such programs if the new requirements were to become effective immediately upon publication of this rule.

RESPONSE AND EXPLANATION OF CHANGE: Section (8) has been added, stating that all of the contents of this rule will not become effective until August 1, 2017. This effective date matches the date of implementation for the Missouri Standards for the Preparation of Educators, a closely related administrative rule guiding many of the requirements adopted herein.

### **5 CSR 20-400.560 Certification Requirements for Teacher of Special Education**

(1) An applicant for a Missouri certificate of license to teach Special Education who possesses good moral character may be granted an initial Missouri certificate of license to teach Special Education subject to the certification requirements found in 5 CSR 20-400.500 and the following additional certification requirements specific to Special Education:

(A) General Requirements—

1. A baccalaureate degree from a college or university having an educator preparation program approved by the Missouri Department of Elementary and Secondary Education (department) or from a college or university having an educator preparation program approved by the state education agency in states other than Missouri;

2. The applicant must have a recommendation from the designated official at a baccalaureate or higher-level educator preparation program approved by the department;

3. The applicant must possess an overall grade point average to meet the following specifications:

A. For applicants graduating before the spring semester of the year 2017 from a baccalaureate program approved by the department, a grade point average of 2.50 or higher on a 4.00 scale, and in the major area of study;

B. For applicants graduating in or after the spring semester of the year 2017 from a baccalaureate program approved by the department, a cumulative grade point average on a 4.00 scale of 2.75 or higher, and a grade point average of 3.00 or higher in professional education and the specific content area for which certification is sought; or

C. For applicants graduating in or after the spring semester of the year 2017 from a baccalaureate program who do not meet the appropriate cumulative grade point average requirements, competency may otherwise be demonstrated by achievement of exit assessment scores greater than or equal to a score deemed satisfactory by the board to qualify for forgiveness of a disqualifying cumulative grade point average. Such satisfactory score shall be higher than the Missouri qualifying score;

4. The applicant must achieve a score equal to or in excess of the qualifying score on the required exit assessment(s) as defined in 5 CSR 20-400.310 and 5 CSR 20-400.440. The official score shall be submitted to the department;

5. The applicant must complete the professional requirements as determined by the recommending educator preparation program which may exceed these minimum requirements; and

6. Individuals who completed an educator preparation program outside of the United States shall provide documentation of completion of coursework in the following:

- A. English Composition, two (2) courses, each a minimum of two (2) semester hours;
- B. U.S. History, three (3) semester hours; and
- C. U.S. Government, three (3) semester hours.

(2) An applicant for a Missouri certificate to teach Blind and Low Vision (Birth – Grade 12) students who possess a baccalaureate degree from a college or university having an educator preparation program approved by the department or from a college or university having an educator preparation program approved by the state agency in states other than Missouri may be granted an initial Missouri certificate of license to teach Blind and Low Vision (Birth – Grade 12) students subject to the certification requirements found in 5 CSR 20-400.500 and the following additional certification requirements:

(A) Professional Requirements. A minimum of sixty (60) semester hours of professional preparation. Competency must be demonstrated to the satisfaction of the educator preparation institution for each topic listed.

1. Content Planning and Delivery. Candidates are prepared with a deep knowledge of and understand the relationships among curriculum, instruction, and assessment —

- A. Curriculum and Instructional Planning;
- B. Instructional Strategies and Techniques in Content Area Specialty;
- C. Assessment, Student Data, and Data-Based Decision-Making;
- D. Strategies for Content Literacy;
- E. Critical Thinking and Problem Solving;
- F. English Language Learning;
- G. Evaluation of Abilities and Achievement (instruction in interpretation of individualized, formative, and summative assessments, eligibility procedures, and assessment to support evidence-based instruction); and
- H. Transition Processes, including Career Education or Career Readiness.

2. Individual Student Needs. Candidates build a robust knowledge of learners and the learning environment—

- A. Psychological Development of the Child and Adolescent;
- B. Psychology/Education of the Exceptional Child;
- C. Differentiated Learning;
- D. Classroom Management;

- E. Behavior Intervention Strategies;
- F. Cultural Diversity;
- G. Anatomy, Physiology, and Diseases of the Eye;
- H. Language Development of the Exceptional Child;
- I. Orientation and Mobility Training;
- J. Educational Psychology;
- K. Conservation and Use of Limited Vision; and
- L. Visual Aids and Appliance Usage.

3. Schools and the Teaching Profession. Candidates fully understand the role of schools and schooling as well as the professional responsibilities of teachers, including a means of professional growth—

- A. Consultation and Collaboration;
- B. Legal/Ethical Aspects of Teaching;
- C. Tiered Systems for Supporting Instruction and Behavior;
- D. Families as Educational Partners;
- E. Family Engagement;
- F. Linking Families with Resources; and
- G. Individualized Education Plans and the Special Education Process;

4. Teaching and Learning Strategies—

A. Literacy (three (3) courses required, minimum total of nine (9) semester hours) to include coursework in reading and writing, and to include instructional interventions for students with reading deficits;

- B. Reading and Writing Braille;
- C. Children's Literature;
- D. Language Arts;
- E. Science;
- F. Social Science;
- G. Instructional and Assistive Technology; and

H. Mathematics (two (2) courses required, minimum of six (6) total semester hours) to include instructional interventions for students with mathematics deficits; and

(B) Field and Clinical Experiences (minimum requirement of ten (10) semester hours). Field and clinical experiences should be appropriate to the progress of the student through the program and should be supervised through a close-partnership of highly-qualified professionals in appropriate school settings.

1. Early Field Experiences (one (1) semester hour with a minimum of thirty (30) clock hours). This limited field experience includes placements in which candidates observe students, support teachers, and respond to specific class assignments. The candidate may work with students individually and/or in small groups as requested and under the supervision of the classroom teacher.

2. Mid-Level Experiences (one (1) semester hour with a minimum of forty-five (45) clock hours). The mid-level experience occurs between the initial placement and the culminating clinical experiences. At the mid-level, candidates continue to observe; respond to specific class assignments; and work with students individually, in small groups, and in whole class settings as requested and under the supervision of the classroom teacher.

3. Culminating Clinical Experiences (eight (8) semester hours with a minimum of twelve (12) weeks in one (1) placement). The culminating experience refers to placements typically in the final sequence leading up to and including student teaching. Candidates actively participate and complete required assignments, work with students as requested and under the supervision of the classroom teacher, and have the opportunity and responsibility to lead the class over an extended period of time.

(3) An applicant for a Missouri certificate to teach Deaf and Hard of Hearing (Birth – Grade 12) students who possesses a baccalaureate degree from a college or university having an educator preparation program approved by the department or from a college or university having an educator preparation program approved by the state agency in states other than Missouri may be granted an initial Missouri certificate of license to teach Deaf and Hard of Hearing (Birth – Grade

12) students subject to the certification requirements found in 5 CSR 20-400.500 and the following additional certification requirements:

(A) Professional Requirements. A minimum of sixty (60) semester hours of professional preparation. Competency must be demonstrated to the satisfaction of the educator preparation institution for each topic listed.

1. Content Planning and Delivery. Candidates are prepared with a deep knowledge of and understand the relationships among curriculum, instruction, and assessment—

A. Curriculum and Instructional Planning;

B. Instructional Strategies and Techniques in Content Area Specialty;

C. Assessment, Student Data, and Data-Based Decision-Making;

D. Strategies for Content Literacy;

E. Critical Thinking and Problem Solving;

F. English Language Learning;

G. Evaluation of Abilities and Achievement (instruction in interpretation of individualized, formative, and summative assessments, eligibility procedures, and assessment to support evidence-based instruction); and

H. Transition Processes, including Career Education or Career Readiness.

2. Individual Student Needs. Candidates build a robust knowledge of learners and the learning environment—

A. Psychological Development of the Child and Adolescent;

B. Psychology/Education of the Exceptional Child;

C. Differentiated Learning;

D. Classroom Management;

E. Behavior Intervention Strategies;

F. Cultural Diversity;

G. Educational Psychology;

H. Psychology of Deafness;

I. Language Development of the Exceptional Child;

J. Aural Rehabilitation;

K. Amplification Systems;

L. Audiology;

M. Anatomy and Physiology of Auditory and Speech Mechanisms; and

N. Manual Communications.

3. Schools and the Teaching Profession. Candidates fully understand the role of schools and schooling as well as the professional responsibilities of teachers, including a means of professional growth—

A. Consultation and Collaboration;

B. Legal/Ethical Aspects of Teaching;

C. Tiered Systems for Supporting Instruction and Behavior;

D. Families as Educational Partners;

E. Family Engagement;

F. Linking Families with Resources; and

G. Individualized Education Plans and the Special Education

Process.

4. Teaching and Learning Strategies—

A. Literacy (three (3) courses required, minimum total of nine (9) semester hours). To include coursework in reading and writing, and to include instructional interventions for students with reading deficits;

B. Teaching and Facilitating Language;

C. Teaching Speech to Students Who Are Deaf;

D. Children's Literature;

E. Language Arts;

F. Science;

G. Social Science;

H. Instructive and Assistive Technology; and

I. Mathematics (two (2) courses required, minimum of six (6) total semester hours) to include instructional interventions for students with mathematics deficits.

(B) Field and Clinical Experiences (minimum requirement of ten

(10) semester hours). Field and clinical experiences should be appropriate to the progress of the student through the program and should be supervised through a close-partnership of highly-qualified professionals in appropriate school settings.

1. Early Field Experiences (one (1) semester hour with a minimum of thirty (30) clock hours). This limited field experience includes placements in which candidates observe students, support teachers, and respond to specific class assignments. The candidate may work with students individually and/or in small groups as requested and under the supervision of the classroom teacher.

2. Mid-Level Experiences (one (1) semester hour with a minimum of forty-five (45) clock hours). The mid-level experience occurs between the initial placement and the culminating clinical experiences. At the mid-level, candidates continue to observe; respond to specific class assignments; and work with students individually, in small groups, and in whole class settings as requested and under the supervision of the classroom teacher.

3. Culminating Clinical Experiences (eight (8) semester hours with a minimum of twelve (12) weeks in one (1) placement). The culminating experience refers to placements typically in the final sequence leading up to and including student teaching. Candidates actively participate and complete required assignments, work with students as requested and under the supervision of the classroom teacher, and have the opportunity and responsibility to lead the class over an extended period of time.

(4) An applicant for a Missouri certificate to teach Early Childhood Special Education (Birth – Grade 3) who possesses a baccalaureate degree from a college or university having an educator preparation program approved by the department, or from a college or university having an education program approved by the state education agency in states other than Missouri may be granted an initial Missouri certificate of license to teach Early Childhood Special Education (Birth – Grade 3) subject to the certification requirements found in 5 CSR 20-400.500 and the following additional certification requirements:

(A) Professional Requirements. A minimum of sixty (60) semester hours of professional preparation. Competency must be demonstrated to the satisfaction of the educator preparation institution for each topic listed.

1. Content Planning and Delivery. Candidates are prepared with a deep knowledge of and understand the relationship among curriculum, instruction, and assessment—

A. Curriculum and Instructional Planning;

B. Instructional Strategies and Techniques in Content Area Specialty;

C. Assessment, Student Data, and Data-Based Decision-Making;

D. Critical Thinking and Problem Solving;

E. English Language Learning; and

F. Evaluation of Abilities and Achievement (instruction in interpretation of individualized, formative, and summative assessments, eligibility procedures, and assessment to support evidence-based instruction).

2. Individual Student Needs. Candidates build a robust knowledge of learners and the learning environment—

A. Psychological Development of the Child and Adolescent;

B. Psychology/Education of the Exceptional Child;

C. Differentiated Learning;

D. Classroom Management;

E. Behavior Intervention Strategies;

F. Cultural Diversity; and

G. Educational Psychology.

3. Schools and the Teaching Profession. Candidates fully understand the role of schools and schooling as well as the professional responsibilities of teachers, including a means of professional growth—

A. Consultation and Collaboration;

- B. Legal/Ethical Aspects of Teaching;
- C. Tiered Systems for Supporting Instruction and Behavior;
- D. Families as Educational Partners;
- E. Family Engagement;
- F. Linking Families with Resources; and
- G. Individualized Education Plans and the Special Education

Process.

4. Teaching and Supporting Learning of the Young Child—

- A. Early Childhood Principles;
  - (I) Child Development;
  - (II) Play-based and Inquiry-based Learning;
  - (III) Observing and Assessing Young Children;
  - (IV) Language Acquisition; and
  - (V) Alternative and Augmentative Communication;
- B. Methods of Teaching and Differentiated Instruction in the

following integrated areas (minimum requirement of fifteen (15) hours):

- (I) Language Arts (including reading, writing, speaking, and listening);
- (II) Math;
- (III) Health;
- (IV) Science;
- (V) Nutrition;
- (VI) Social Studies;
- (VII) Music;
- (VIII) Safety;
- (IX) Movement;
- (X) Art;
- (XI) Drama; and
- (XII) Instructional and Assistive Technology;

5. Program Management—

- A. Program Administration and Management;
- B. Health, Nutrition, and Safety of Young Children; and
- C. Environmental Organization and Design;
- D. Procedural Safeguards;

(B) Field and Clinical Experiences (minimum requirement of ten (10) semester hours). Field and clinical experiences should be appropriate to the progress of the student through the program and should be supervised through a close-partnership of highly-qualified professionals in appropriate school settings. Such field and clinical experiences shall meet the minimum hours required in paragraphs (4)(B)1.-3., to include experiences in each of the three (3) different age levels (Infant/Toddler, Pre-K/Kindergarten, and Kindergarten – Grade 3).

1. Early Field Experiences (one (1) semester hour with a minimum of thirty (30) clock hours). This limited field experience includes placements in which candidates observe students, support teachers, and respond to specific class assignments. The candidate may work with students individually and/or in small groups as requested and under the supervision of the classroom teacher.

2. Mid-Level Experiences (one (1) semester hour with a minimum of forty-five (45) clock hours). The mid-level experience occurs between the initial placement and the culminating clinical experiences. At the mid-level, candidates continue to observe; respond to specific class assignments; and work with students individually, in small groups, and in whole class settings as requested and under the supervision of the classroom teacher.

3. Culminating Clinical Experiences (eight (8) semester hours with a minimum of twelve (12) weeks in one (1) placement). The culminating experience refers to placements typically in the final sequence leading up to and including student teaching. Candidates actively participate and complete required assignments, work with students as requested and under the supervision of the classroom teacher, and have the opportunity and responsibility to lead the class over an extended period of time.

(5) An applicant for a Missouri certificate of license to teach students with Mild/Moderate Cross-Categorical Disabilities (Kindergarten –

Grade 12) who possesses a baccalaureate degree in Special Education from a college or university having an educator preparation program approved by the department or from a college or university having an educator preparation program approved by the state agency in states other than Missouri may be granted an initial Missouri certificate of license to teach students with Mild/Moderate Cross-Categorical Disabilities (Kindergarten – Grade 12) subject to the certification requirements found in 5 CSR 20-400.500 and the following additional certification requirements:

(A) Professional Requirements. A minimum of sixty (60) semester hours of professional preparation. Competency must be demonstrated to the satisfaction of the educator preparation institution for each topic listed—

1. Content Planning and Delivery. Candidates are prepared with a deep knowledge of and understand the relationships among curriculum, instruction, and assessment—

- A. Curriculum and Instructional Planning;
- B. Instructional Strategies and Techniques in Content Area Specialty;
- C. Assessment, Student Data, and Data-Based Decision-Making;
- D. Strategies for Content Literacy;
- E. Critical Thinking and Problem Solving;
- F. English Language Learning; and
- G. Evaluation of Abilities and Achievement (instruction in interpretation of individualized, formative, and summative assessments, eligibility procedures, and assessment to support evidence-based instruction);

H. Transition Processes, including Career Education or Career Readiness; and

2. Individual Student Needs. Candidates build a robust knowledge of learners and the learning environment—

- A. Psychological Development of the Child and Adolescent;
- B. Psychology/Education of the Exceptional Child;
- C. Differentiated Learning;
- D. Classroom Management;
- E. Behavior Intervention Strategies;
- F. Cultural Diversity;
- G. Educational Psychology; and
- H. Language Development of the Exceptional Child;

3. Schools and the Teaching Profession. Candidates fully understand the role of schools and schooling as well as the professional responsibilities of teachers, including a means of professional growth—

- A. Consultation and Collaboration;
- B. Legal/Ethical Aspects of Teaching;
- C. Tiered Systems for Supporting Instruction and Behavior;
- D. Families as Educational Partners;
- E. Family Engagement;
- F. Linking Families with Resources; and
- G. Individualized Education Plans and the Special Education

Process;

4. Teaching and Learning Strategies—

A. Literacy (three (3) courses required, minimum total of nine (9) semester hours). To include coursework in reading and writing, and to include instructional interventions for students with reading deficits;

- B. Children's Literature;
- C. Language Arts;
- D. Science;
- E. Social Science;
- F. Instructional and Assistive Technology; and
- G. Mathematics (two (2) courses required, minimum of six

(6) total semester hours) to include instructional interventions for students with mathematics deficits; and

(B) Field and Clinical Experiences (minimum requirement of ten (10) semester hours). Field and clinical experiences should be appropriate to the progress of the student through the program and should

be supervised through a close-partnership of highly-qualified professionals in appropriate school settings. Such field and clinical experiences shall include experiences at both the elementary and the secondary level.

1. Early Field Experiences (one (1) semester hour with a minimum of thirty (30) clock hours). This limited field experience includes placements in which candidates observe students, support teachers, and respond to specific class assignments. The candidate may work with students individually and/or in small groups as requested and under the supervision of the classroom teacher.

2. Mid-Level Experiences (one (1) semester hour with a minimum of forty-five (45) clock hours). The mid-level experience occurs between the initial placement and the culminating clinical experiences. At the mid-level, candidates continue to observe; respond to specific class assignments; and work with students individually, in small groups, and in whole class settings as requested and under the supervision of the classroom teacher.

3. Culminating Clinical Experiences (eight (8) semester hours with a minimum of twelve (12) weeks in one (1) placement). The culminating experience refers to placements typically in the final sequence leading up to and including student teaching. Candidates actively participate and complete required assignments, work with students as requested and under the supervision of the classroom teacher, and have the opportunity and responsibility to lead the class over an extended period of time.

(6) An applicant for a Missouri certificate to teach students with Severe Developmental Disabilities (Grades K-12) who possesses a baccalaureate degree in Special Education from a college or university having an educator preparation program approved by the department or from a college or university having an educator preparation program approved by the state agency in states other than Missouri may be granted an initial Missouri certificate of license to teach students with Severe Developmental Disabilities subject to the certification requirements found in 5 CSR 20-400.500 and the following additional certification requirements:

(A) Professional Requirements. A minimum of sixty (60) semester hours of professional preparation. Competency must be demonstrated to the satisfaction of the educator preparation institution for each topic listed—

1. Content Planning and Delivery. Candidates are prepared with a deep knowledge of and understand the relationships among curriculum, instruction, and assessment—

A. Curriculum and Instructional Planning;  
B. Instructional Strategies and Techniques in Content Area Specialty;  
C. Assessment, Student Data, and Data-based Decision-making;

D. Strategies for Content Literacy;  
E. Critical Thinking and Problem Solving;  
F. English Language Learning;  
G. Evaluation of Abilities and Achievement (instruction in interpretation of individualized, formative, and summative assessments, eligibility procedures, and assessment to support evidence-based instruction);

H. Transition Processes, including Career Education or Career Readiness; and

2. Individual Student Needs. Candidates build a robust knowledge of learners and the learning environment—

A. Psychological Development of the Child and Adolescent;  
B. Psychology/Education of the Exceptional Child;  
C. Differentiated Learning;  
D. Classroom Management;  
E. Behavior Intervention Strategies;  
F. Cultural Diversity;  
G. Educational Psychology;

H. Physical and Psychological Considerations of the Developmentally Disabled;

I. Language Development of the Exceptional Child;

J. Adaptive, Self-Help, and Mobility Skills;

K. Managing Physical and Health Problems;

L. Alternative and Augmentative Communication Skills; and

M. Alternative and Functional Skills Assessment;

3. Schools and the Teaching Profession. Candidates fully understand the role of schools and schooling as well as the professional responsibilities of teachers, including a means of professional growth—

A. Consultation and Collaboration;

B. Legal/Ethical Aspects of Teaching;

C. Tiered Systems for Supporting Instruction and Behavior;

D. Families as Educational Partners;

E. Family Engagement;

F. Linking Families with Resources; and

G. Individualized Education Plans and the Special Education Process;

4. Teaching and Learning Strategies—

A. Literacy (three (3) courses required, minimum total of nine (9) semester hours) to include coursework in reading and writing, and to include instructional interventions for students with reading deficits;

B. Children's Literature;

C. Language Arts;

D. Science;

E. Social Science;

F. Instructional and Assistive Technology; and

G. Mathematics (two (2) courses required, minimum of six (6) total semester hours) to include instructional interventions for students with mathematics deficits; and

(B) Field and Clinical Experiences (minimum requirement of ten (10) semester hours). Field and clinical experiences should be appropriate to the progress of the student through the program and should be supervised through a close-partnership of highly-qualified professionals in appropriate school settings.

1. Early Field Experiences (one (1) semester hour with a minimum of thirty (30) clock hours). This limited field experience includes placements in which candidates observe students, support teachers, and respond to specific class assignments. The candidate may work with students individually and/or in small groups as requested and under the supervision of the classroom teacher.

2. Mid-Level Experiences (one (1) semester hour with a minimum of forty-five (45) clock hours). The mid-level experience occurs between the initial placement and the culminating clinical experiences. At the mid-level, candidates continue to observe; respond to specific class assignments; and work with students individually, in small groups, and in whole class settings as requested and under the supervision of the classroom teacher.

3. Culminating Clinical Experiences (eight (8) semester hours with a minimum of twelve (12) weeks in one (1) placement). The culminating experience refers to placements typically in the final sequence leading up to and including student teaching. Candidates actively participate and complete required assignments, work with students as requested and under the supervision of the classroom teacher, and have the opportunity and responsibility to lead the class over an extended period of time.

(8) The requirements of this rule shall become effective August 1, 2017.

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

### **Division 20—Division of Learning Services Chapter 400—Office of Educator Quality**

#### **ORDER OF RULEMAKING**

By the authority vested in the State Board of Education (board) under sections 168.011, 168.405, and 168.409, RSMo 2000, and sections



161.092, 168.021, 168.071, 168.081, and 168.400, RSMo Supp. 2013, the board adopts a rule as follows:

5 CSR 20-400.570 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2013 (38 MoReg 1992). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received numerous comments regarding the proposed rule.

Editor's Note: Due to the volume of comments received relating to 5 CSR 20-400.570, the department was unable to publish a list of individuals commenting on this rule. The department maintains a copy of all individual comments, which is available upon request. Requests should be made to Custodian of Records, Office of General Counsel and Governmental Affairs, Department of Elementary and Secondary Education, PO Box 480, Jefferson City, MO 65102-0480.

COMMENT #1: The board received one (1) comment requesting that the name of this certificate and the title of this rule be amended from "English for Speakers of Other Languages" to "English Language Learners" to reflect current terminology from the field.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees that the title should be updated and has amended the title, purpose, and section (1) as well as subsections (C) and (D) accordingly.

COMMENT #2: Four (4) comments were received stating that the timing for implementation of this rule would impose an undue burden on educator preparation programs and students of such programs if the new requirements were to become effective immediately upon publication of this rule.

RESPONSE AND EXPLANATION OF CHANGE: Section (2) has been added, stating that all of the contents of this rule will not become effective until August 1, 2017. This effective date matches the date of implementation for the Missouri Standards for the Preparation of Educators, a closely related administrative rule guiding many of the requirements adopted herein.

### **5 CSR 20-400.570 Certification Requirements for English Language Learners (Kindergarten – Grade 12)**

*PURPOSE: The State Board of Education is authorized to grant certificates of license to teach in any of the public schools of the state and establish requirements and qualifications for those certificates. This rule outlines the requirements for application for a certificate of license to teach English Language Learners.*

(1) An applicant for a Missouri certificate of license to teach English Language Learners (ELL) who possesses good moral character may be granted an initial Missouri certificate of license to teach ELL subject to the certification requirements found in 5 CSR 20-400.500 and the following additional certification requirements specific to ELL:

(C) Content Knowledge for Teaching (minimum requirement of eighteen (18) semester hours)—

1. Linguistics and English Linguistics;
2. Language and Culture or Sociolinguistics;
3. Second Language Acquisition;
4. Instructional Techniques for Teaching English Language Learners;
5. Curriculum for Teaching English Language Learners; and
6. Assessment Strategies for English Language Learners.

(D) Field and Clinical Experiences (three (3) semester hours)—

1. Culminating Clinical Experience. A supervised clinical experience in which the candidates acquire experience in planning for and

working with ELL students in various instructional settings in both elementary and secondary schools. The clinical experience should include collaborating with other educators to support student learning.

(2) The requirements of this rule shall become effective August 1, 2017.

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

### **Division 20—Division of Learning Services Chapter 400—Office of Educator Quality**

#### **ORDER OF RULEMAKING**

By the authority vested in the State Board of Education (board) under sections 168.011, 168.405, and 168.409, RSMo 2000, and sections 161.092, 168.021, 168.071, 168.081, and 168.400, RSMo Supp. 2013, the board adopts a rule as follows:

5 CSR 20-400.580 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2013 (38 MoReg 1992–1993). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received numerous comments regarding the proposed rule.

Editor's Note: Due to the volume of comments received relating to 5 CSR 20-400.580, the department was unable to publish a list of individuals commenting on this rule. The department maintains a copy of all individual comments, which is available upon request. Requests should be made to Custodian of Records, Office of General Counsel and Governmental Affairs, Department of Elementary and Secondary Education, PO Box 480, Jefferson City, MO 65102-0480.

COMMENT #1: The board received one (1) comment requesting that subsection (1)(D) state graduate course requirements in terms of semester hours rather than number of courses taken.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and has added clarifying language to subsection (1)(D).

COMMENT #2: Four (4) comments were received stating that the timing for implementation of this rule would impose an undue burden on educator preparation programs and students of such programs if the new requirements were to become effective immediately upon publication of this rule.

RESPONSE AND EXPLANATION OF CHANGE: Section (2) has been added, stating that all of the contents of this rule will not become effective until August 1, 2017. This effective date matches the date of implementation for the Missouri Standards for the Preparation of Educators, a closely related administrative rule guiding many of the requirements adopted herein.

### **5 CSR 20-400.580 Certification Requirements for Gifted Education (Kindergarten – Grade 12)**

(1) An applicant for a Missouri certificate of license to teach Gifted Education who possesses good moral character may be granted an initial Missouri certificate of license to teach Gifted Education subject to the certification requirements found in 5 CSR 20-400.500 and the following additional certification requirements specific to Gifted Education:

(D) A graduate course in research procedures (a minimum of three (3) semester hours)—

(2) The requirements of this rule shall become effective August 1, 2017.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 20—Division of Learning Services  
Chapter 400—Office of Educator Quality**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education (board) under sections 168.011, 168.405, and 168.409, RSMo 2000, and sections 161.092, 168.021, 168.071, 168.081, and 168.400, RSMo Supp. 2013, the board adopts a rule as follows:

5 CSR 20-400.590 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2013 (38 MoReg 1993–1994). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The board received numerous comments regarding the proposed rule.

**Editor’s Note:** Due to the volume of comments received relating to 5 CSR 20-400.590, the department was unable to publish a list of individuals commenting on this rule. The department maintains a copy of all individual comments, which is available upon request. Requests should be made to Custodian of Records, Office of General Counsel and Governmental Affairs, Department of Elementary and Secondary Education, PO Box 480, Jefferson City, MO 65102-0480.

**COMMENT #1:** The board received two (2) comments suggesting that the title of this certificate include the clarifying word “Elementary” to clarify the grade range covered in this rule.

**RESPONSE AND EXPLANATION OF CHANGE:** The board agrees and has amended the title and section (1) of this rule to reflect the suggested change.

**COMMENT #2:** Four (4) comments were received stating that the timing for implementation of this rule would impose an undue burden on educator preparation programs and students of such programs if the new requirements were to become effective immediately upon publication of this rule.

**RESPONSE AND EXPLANATION OF CHANGE:** Section (2) has been added, stating that all of the contents of this rule will not become effective until August 1, 2017. This effective date matches the date of implementation for the Missouri Standards for the Preparation of Educators, a closely related administrative rule guiding many of the requirements adopted herein.

**5 CSR 20-400.590 Certification Requirements for Elementary Mathematics Specialist (Grades 1 – 6)**

(1) An applicant for a Missouri certificate of license to serve as an Elementary Mathematics Specialist who possesses good moral character may be granted an initial Missouri certificate of license to serve as an Elementary Mathematics Specialist subject to the certification requirements found in 5 CSR 20-400.500 and the following additional certification requirements specific to certificates of license for Elementary Mathematics Specialists:

(2) The requirements of this rule shall become effective August 1, 2017.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 20—Division of Learning Services  
Chapter 400—Office of Educator Quality**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education (board) under sections 168.011, 168.405, and 168.409, RSMo 2000, and sections 161.092, 168.021, 168.071, 168.081, and 168.400, RSMo Supp. 2013, the board adopts a rule as follows:

5 CSR 20-400.600 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2013 (38 MoReg 1994). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The board received numerous comments regarding the proposed rule.

**Editor’s Note:** Due to the volume of comments received relating to 5 CSR 20-400.600, the department was unable to publish a list of individuals commenting on this rule. The department maintains a copy of all individual comments, which is available upon request. Requests should be made to Custodian of Records, Office of General Counsel and Governmental Affairs, Department of Elementary and Secondary Education, PO Box 480, Jefferson City, MO 65102-0480.

**COMMENT #1:** The board received four (4) comments suggesting updates to competencies required under the Professional Requirements of subsections (1)(B)–(C).

**RESPONSE AND EXPLANATION OF CHANGE:** The board agreed and voted to update the required competencies to include clarifying language and reflect the comments for subsections (1)(B)–(C).

**COMMENT #2:** Four (4) comments were received stating that the timing for implementation of this rule would impose an undue burden on educator preparation programs and students of such programs if the new requirements were to become effective immediately upon publication of this rule.

**RESPONSE AND EXPLANATION OF CHANGE:** Section (2) has been added, stating that all of the contents of this rule will not become effective until August 1, 2017. This effective date matches the date of implementation for the Missouri Standards for the Preparation of Educators, a closely related administrative rule guiding many of the requirements adopted herein.

**5 CSR 20-400.600 Certification Requirements for Special Reading (Kindergarten – Grade 12)**

(1) An applicant for a Missouri certificate of license to teach Special Reading who possesses good moral character may be granted an initial Missouri certificate of license to teach Special Reading subject to the certification requirements found in 5 CSR 20-400.500 and the following additional certification requirements specific to Special Reading:

(B) Professional Requirements—

1. Child Psychology (requirement may be met upon completion of at least three (3) semester hours of combined course, Child and Adolescent Psychology);

2. Adolescent Psychology (requirement may be met upon completion of at least three (3) semester hours of combined course, Child and Adolescent Psychology);

3. Psychology/Education of the Exceptional Child (including the Gifted); and

4. Evaluation of Abilities and Achievement (instruction in interpretation of individualized, formative, and summative assessments, eligibility procedures, and assessment to support evidence-based instruction);

(C) Content Knowledge for Teaching (a minimum of eighteen (18) semester hours)—

1. Reading (minimum of twelve (12) semester hours with at least two (2) courses at the graduate level courses required; one (1) of these courses shall be in Analysis and Correction of Reading Disabilities);

2. Language Acquisition and Development or Language Development of the Exceptional Child;

3. Behavior Intervention Strategies; and

4. Counseling Techniques (to include communication skills with exceptional children and families of exceptional children); and

(2) The requirements of this rule shall become effective August 1, 2017.

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

### **Division 20—Division of Learning Services Chapter 400—Office of Educator Quality**

#### **ORDER OF RULEMAKING**

By the authority vested in the State Board of Education (board) under sections 168.011, 168.405, and 168.409, RSMo 2000, and sections 161.092, 168.021, 168.071, 168.081, and 168.400, RSMo Supp. 2013, the board adopts a rule as follows:

5 CSR 20-400.610 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2013 (38 MoReg 1994-1998). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The board received numerous comments regarding the proposed rule.

**Editor's Note:** Due to the volume of comments received relating to 5 CSR 20-400.610, the department was unable to publish a list of individuals commenting on this rule. The department maintains a copy of all individual comments, which is available upon request. Requests should be made to Custodian of Records, Office of General Counsel and Governmental Affairs, Department of Elementary and Secondary Education, PO Box 480, Jefferson City, MO 65102-0480.

**COMMENT #1:** The board received two (2) comments requesting that the title for the certificate in section (1), subsection (1)(A), and paragraph (1)(A)2. be changed from Career Education Director, Secondary/Postsecondary to Career Education Director, Secondary/Adult in order to reflect current practice.

**RESPONSE AND EXPLANATION OF CHANGE:** The board agrees and has amended the title in section (1), subsection (1)(A), and paragraph (1)(A)2. to match current practice.

**COMMENT #2:** Twenty-one (21) comments were received requesting that the language, "or the equivalent thereof from another educational leadership program meeting approval of the department," be

removed from paragraph (1)(A)5. due to concerns that such other educational leadership programs may not be required to undergo the same rigorous approval process as do educational leadership programs at colleges of education.

**RESPONSE:** The board has considered these concerns; however, the board has elected to include the language, "or the equivalent thereof from another educational leadership program meeting approval of the department."

**COMMENT #3:** Two (2) comments were received requesting that the required semester hours under subparagraph (1)(A)6.A. be changed from three (3) semester hours to the current practice of two (2) semester hours.

**RESPONSE AND EXPLANATION OF CHANGE:** The board agrees and has amended the certificate in subparagraph (1)(A)6.A. to match current practice.

**COMMENT #4:** Two (2) comments were received suggesting that the clarifying language be added to paragraph (2)(A)5. to state, "or the equivalent thereof from another educational leadership program meeting approval of the department." This language matches the language in the Initial Administrator and Career Continuous Administrator certificates.

**RESPONSE AND EXPLANATION OF CHANGE:** The board agrees and has amended the certificate in paragraph (2)(A)5. to align with the other relevant certificate areas.

**COMMENT #5:** Two (2) comments were received requesting that the required semester hours under subparagraph (2)(A)6.A. be changed from three (3) semester hours to the current practice of two (2) semester hours.

**RESPONSE AND EXPLANATION OF CHANGE:** The board agrees and has amended the rule in subparagraph (2)(A)6.A. to match current practice.

**COMMENT #6:** Two (2) comments were received requesting that the required semester hours under subparagraph (4)(A)6.A. be changed from three (3) semester hours to the current practice of two (2) semester hours.

**RESPONSE AND EXPLANATION OF CHANGE:** The board agrees and has amended the rule in subparagraph (4)(A)6.A. to match current practice.

**COMMENT #7:** Two (2) comments were received requesting that the certificate title in section (5) be amended to include the clarifying language for grade levels, Kindergarten - Grade 12.

**RESPONSE AND EXPLANATION OF CHANGE:** The board agrees and has amended the title in section (5) to match current practice.

**COMMENT #8:** Two (2) comments were received requesting that the required semester hours under subparagraph (5)(A)6.A. be changed from three (3) semester hours to the current practice of two (2) semester hours.

**RESPONSE AND EXPLANATION OF CHANGE:** The board agrees and has amended subparagraph (5)(A)6.A. of the rule to match current practice.

**COMMENT #9:** Two (2) comments were received requesting that the required semester hours under subparagraph (6)(A)6.A. be changed from three (3) semester hours to the current practice of two (2) semester hours.

**RESPONSE AND EXPLANATION OF CHANGE:** The board agrees and has amended subparagraph (6)(A)6.A. of the rule to match current practice.

**COMMENT #10:** Four (4) comments were received stating that the timing for implementation of this rule would impose an undue burden on educator preparation programs and students of such programs

if the new requirements were to become effective immediately upon publication of this rule.

RESPONSE AND EXPLANATION OF CHANGE: Section (7) has been added, stating that all of the contents of this rule will not become effective until August 1, 2017. This effective date matches the date of implementation for the Missouri Standards for the Preparation of Educators, a closely related administrative rule guiding many of the requirements adopted herein.

### 5 CSR 20-400.610 Certification Requirements for Initial Administrator Certificate

(1) An applicant for a Missouri Initial Administrator Certificate (Career Education Director, Secondary/Adult) who possesses good moral character may be granted an Initial Administrator Certificate (Career Education Director, Secondary/Adult) subject to the certification requirements found in 5 CSR 20-400.500 and the following additional certification requirements specific to Career Education Directors (Secondary/Adult):

(A) Professional Requirements. An Initial Administrator Certificate (Career Education Director, Secondary/Adult) valid for a period of four (4) years from the effective date on the certificate, will be issued to applicants meeting the following requirements:

1. A permanent, professional, or career education Missouri certificate of license to teach;

2. A minimum of two (2) years career education or secondary/adult subject area teaching experience approved by the Missouri Department of Elementary and Secondary Education (department);

3. The applicant must achieve a score equal to or in excess of the qualifying score on the required exit assessment(s) as defined in 5 CSR 20-400.310 and 5 CSR 20-400.440. The official score shall be submitted to the department;

4. Completion of a course in Psychology/Education of the Exceptional Child;

5. Completion of a master's degree in educational leadership from a college or university or the equivalent thereof from another educational leadership program meeting approval of the department; and

6. Recommendation for certification from the designated official of a college or university or other educational leadership program approved by the department. This recommendation shall be based upon the completion of a planned program for preparation of elementary principals which includes at least twenty-four (24) semester hours of approved graduate credit, or an equivalent thereof which is approved by the department, in education courses focused upon administration and supervision of the elementary school. The approved graduate credit shall include:

A. Specific courses (must be separate graduate courses of at least two (2) semester hours)—

(I) Foundations of Educational Administration, including components of Career and Special Education;

(II) Career Education Administration (including Adult Education);

(III) Career Education Curriculum;

(IV) School Supervision; and

(V) School Law;

B. Knowledge and/or competency in each of the following areas:

(I) Vision, Mission, and Goals—

(a) Developing and articulating a vision; and

(b) Implementing and stewarding a vision;

(II) Teaching and Learning—

(a) Promoting a positive school culture;

(b) Providing an effective instructional program;

(c) Designing comprehensive professional growth plans;

and

(d) Data and assessment;

(III) Management of Organizational Systems—

(a) Managing the organizational structure;

(b) Leading personnel;

(c) Managing resources; and

(d) Processes of effective evaluation of educators;

(IV) Collaboration with Families and Stakeholders—

(a) Collaborating with families and other community members;

(b) Responding to community interests and needs; and

(c) Mobilizing community resources;

(V) Ethics and Integrity—

(a) Personal and professional responsibilities; and

(VI) Professional Development—

(a) Increase knowledge and skills based on best practices;

(2) An applicant for a Missouri Initial Administrator Certificate (Elementary Principal, Grades K-8) who possesses good moral character may be granted an Initial Administrator Certificate (Elementary Principal, Grades K-8) subject to the certification requirements found in 5 CSR 20-400.500 and the following additional certification requirements specific to Elementary Principals (Grades K-8):

(A) Professional Requirements. An Initial Administrator Certificate (Elementary Principal, Grades K-8), valid for a period of four (4) years from the effective date on the certificate, will be issued to applicants meeting the following requirements:

1. A permanent, professional, or career education Missouri certificate of license to teach;

2. A minimum of two (2) years of successful teaching experience approved by the department;

3. The applicant must achieve a score equal to or in excess of the qualifying score on the required exit assessment(s) as defined in 5 CSR 20-400.310 and 5 CSR 20-400.440. The official score shall be submitted to the department;

4. Completion of a course in Psychology/Education of the Exceptional Child;

5. Completion of a master's degree in educational leadership from a college or university or the equivalent thereof from another educational leadership program meeting approval of the department;

6. Recommendation for certification from the designated official of a college or university or other educational leadership program approved by the department. This recommendation shall be based upon the completion of a planned program for preparation of secondary principals which includes at least twenty-four (24) semester hours of approved graduate credit, or an equivalent thereof which is approved by the department, in education courses focused upon administration and supervision of the secondary school. The approved graduate credit shall include:

A. Specific courses (must be separate graduate courses of at least two (2) semester hours)—

(I) Foundations of Educational Administration, including components of Career and Special Education;

(II) Elementary Administration;

(III) Elementary Curriculum;

(IV) School Supervision; and

(V) School Law;

B. Knowledge and/or competency in each of the following areas:

(I) Vision, Mission, and Goals—

(a) Developing and articulating a vision; and

(b) Implementing and stewarding a vision;

(II) Teaching and Learning—

(a) Promoting a positive school culture;

(b) Providing an effective instructional program;

(c) Designing comprehensive professional growth plans;

and

(d) Data and assessment;

(III) Management of Organizational Systems—

- (a) Managing the organizational structure;
- (b) Leading personnel;
- (c) Managing resources; and
- (d) Processes of effective evaluation of educators;
- (IV) Collaboration with Families and Stakeholders—
  - (a) Collaborating with families and other community members;
  - (b) Responding to community interests and needs; and
  - (c) Mobilizing community resources;
- (V) Ethics and Integrity—
  - (a) Personal and professional responsibilities; and
- (VI) Professional Development—
  - (a) Increase knowledge and skills based on best practices.

(4) An applicant for a Missouri Initial Administrator Certificate (Secondary Principal, Grades 7-12) who possesses good moral character may be granted an Initial Administrator Certificate (Secondary Principal, Grades 7-12) subject to the certification requirements found in 5 CSR 20-400.500 and the following additional certification requirements specific to Secondary Principals (Grades 7-12):

(A) Professional Requirements. An Initial Administrator Certificate (Secondary Principal, Grades 7-12), valid for a period of four (4) years from the effective date on the certificate, will be issued to applicants meeting the following requirements:

1. A permanent or professional Missouri certificate of license to teach;
2. A minimum of two (2) years of successful teaching experience approved by the department;
3. The applicant must achieve a score equal to or in excess of the qualifying score on the required exit assessment(s) as defined in 5 CSR 20-400.310 and 5 CSR 20-400.440. The official score shall be submitted to the department;
4. Completion of a course in Psychology/Education of the Exceptional Child;
5. Completion of a master's degree in educational leadership from a college or university or the equivalent thereof from another educational leadership program meeting approval of the department;
6. Recommendation for certification from the designated official of a college or university or other educational leadership program approved by the department. This recommendation shall be based upon the completion of a planned program for preparation of secondary principals which includes at least twenty-four (24) semester hours of approved graduate credit, or an equivalent thereof which is approved by the department, in education courses focused upon administration and supervision of the secondary school. The approved graduate credit shall include:

A. Specific courses (must be separate graduate courses of at least two (2) semester hours)—

- (I) Foundations of Educational Administration, including components of Career and Special Education;
- (II) Secondary Administration;
- (III) Secondary Curriculum;
- (IV) School Supervision; and
- (V) School Law;

B. Knowledge and/or competency in each of the following areas—

- (I) Vision, Mission, and Goals—
  - (a) Developing and articulating a vision; and
  - (b) Implementing and stewarding a vision;
- (II) Teaching and Learning—
  - (a) Promoting a positive school culture;
  - (b) Providing an effective instructional program;
  - (c) Designing comprehensive professional growth plans;

and

- (d) Data and assessment;
- (III) Management of Organizational Systems—
  - (a) Managing the organizational structure;
  - (b) Leading personnel;

- (c) Managing resources; and
- (d) Processes of effective evaluation of educators;
- (IV) Collaboration with Families and Stakeholders—
  - (a) Collaborating with families and other community members;
  - (b) Responding to community interests and needs; and
  - (c) Mobilizing community resources;
- (V) Ethics and Integrity—
  - (a) Personal and professional responsibilities; and
- (VI) Professional Development—
  - (a) Increase knowledge and skills based on best practices;

(5) An applicant for a Missouri Initial Administrator Certificate (Special Education Director, Kindergarten – Grade 12) who possesses good moral character may be granted an Initial Administrator Certificate (Special Education Director, Kindergarten – Grade 12) subject to the certification requirements found in 5 CSR 20-400.500 and the following additional certification requirements specific to Special Education Directors:

(A) Professional Requirements. An Initial Administrator Certificate (Special Education Director) valid for a period of four (4) years from the effective date on the certificate will be issued to applicants meeting the following requirements:

1. A permanent or professional certificate of license to teach in an area of special education or student services;
2. A minimum of two (2) years special education or student services experience approved by the department;
3. The applicant must achieve a score equal to or in excess of the qualifying score on the required exit assessment(s) as defined in 5 CSR 20-400.310 and 5 CSR 20-400.440. The official score shall be submitted to the department;
4. Completion of a course in Psychology/Education of the Exceptional Child;
5. Completion of a master's degree in educational leadership from a college or university or the equivalent thereof from another educational leadership program meeting approval of the department;
6. Recommendation for certification from the designated official of a college or university or other education leadership program approved by the department. This recommendation shall be based upon the completion of a planned program for preparation of educational leaders which includes at least twenty-four (24) semester hours of approved graduate credit, or another equivalent thereof which is approved by the department, in education courses focused upon Special Education Administration. The approved graduate credit shall include:

A. Specific courses (must be separate graduate courses of at least two (2) semester hours)—

- (I) Foundations of Educational Administration, including components of Career and Special Education;
- (II) Special Education Administration;
- (III) Differentiating Instruction in the General Education Curriculum;
- (IV) School Supervision; and
- (V) School Law, to include Special Education Law;

B. Knowledge and/or competency in each of the following areas—

- (I) Vision, Mission, and Goals—
  - (a) Developing and articulating a vision; and
  - (b) Implementing and stewarding a vision;
- (II) Teaching and Learning—
  - (a) Promoting a positive school culture;
  - (b) Providing an effective instructional program;
  - (c) Designing comprehensive professional growth plans;

and

- (d) Data and assessment;
- (III) Management of Organizational Systems—
  - (a) Managing the organizational structure;
  - (b) Leading personnel;

- (c) Managing resources; and
- (d) Processes of effective evaluation of educators;
- (IV) Collaboration with Families and Stakeholders—
  - (a) Collaborating with families and other community members;
  - (b) Responding to community interests and needs; and
  - (c) Mobilizing community resources;
- (V) Ethics and Integrity—
  - (a) Personal and professional responsibilities; and
- (VI) Professional Development—
  - (a) Increase knowledge and skills based on best practices;

(6) An applicant for a Missouri Initial Administrator Certificate (Superintendent, Kindergarten – Grade 12) who possesses good moral character may be granted an Initial Administrator Certificate (Superintendent, Kindergarten – Grade 12) subject to the certification requirements found in 5 CSR 20-400.500 and the following additional certification requirements specific to Superintendents:

(A) Professional Requirements. An Initial Administrator Certificate, valid for a period of four (4) years from the date of issuance, will be issued to applicants meeting the following requirements:

1. A permanent or professional Missouri certificate of license to teach;
2. A minimum of three (3) years of experience as a building- or district-level administrator at a public or accredited nonpublic school;
3. The applicant must achieve a score equal to or in excess of the qualifying score on the required exit assessment(s) as defined in 5 CSR 20-400.310 and 5 CSR 20-400.440. The official score shall be submitted to the department;
4. Completion of a course in Psychology/Education of the Exceptional Child;
5. Completion of an educational specialist or advanced degree program in educational leadership and recommendation from the designated official of a college or university or other education leadership program approved by the department, which shall include:

A. Specific courses (must be separate graduate courses of at least two (2) semester hours)—

- (I) Foundations of Educational Administration, including components of Career and Special Education;
- (II) School Supervision; and
- (III) School Law;

B. Knowledge and/or competency in each of the following areas:

- (I) Vision, Mission, and Goals—
  - (a) Developing and articulating a vision; and
  - (b) Implementing and stewarding a vision;
- (II) Teaching and Learning—
  - (a) Promoting positive school culture;
  - (b) Promoting effective instructional programs;
  - (c) Ensuring comprehensive professional growth plans;

and

- (d) Data and assessment;
- (III) Management of Organizational Systems—
  - (a) Managing the organizational structure;
  - (b) Leading personnel;
  - (c) Managing resources; and
  - (d) Processes of effective evaluation of educators;
- (IV) Collaboration with Families and Stakeholders—
  - (a) Collaborating with families and other community members;
  - (b) Responding to community interests and needs; and
  - (c) Mobilizing community resources;
- (V) Ethics and Integrity—
  - (a) Personal and professional responsibilities;
- (VI) The Education System—
  - (a) Understanding the larger context;
  - (b) Responding to the larger context; and

- (c) Influencing the larger context;
- (VII) Professional Development—
  - (a) Increasing knowledge and skills based on best practices; and
- C. Directed field experiences in superintendency of at least three (3) semester hours.

(7) The requirements of this rule shall become effective August 1, 2017.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 20—Division of Learning Services  
Chapter 400—Office of Educator Quality**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education (board) under sections 168.011, 168.405, and 168.409, RSMo 2000, and sections 161.092, 168.021, 168.071, 168.081, and 168.400, RSMo Supp. 2013, the board adopts a rule as follows:

5 CSR 20-400.620 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2013 (38 MoReg 1998). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received numerous comments regarding the proposed rule.

Editor's Note: Due to the volume of comments received relating to 5 CSR 20-400.620, the department was unable to publish a list of individuals commenting on this rule. The department maintains a copy of all individual comments, which is available upon request. Requests should be made to Custodian of Records, Office of General Counsel and Governmental Affairs, Department of Elementary and Secondary Education, PO Box 480, Jefferson City, MO 65102-0480.

COMMENT #1: The board received four (4) comments stating that the timing for implementation of this rule would impose an undue burden on educator preparation programs and students of such programs if the new requirements were to become effective immediately upon publication of this rule.

RESPONSE AND EXPLANATION OF CHANGE: Section (2) has been added, stating that all of the contents of this rule will not become effective until August 1, 2017. This effective date matches the date of implementation for the Missouri Standards for the Preparation of Educators, a closely related administrative rule guiding many of the requirements adopted herein.

**5 CSR 20-400.620 Certification Requirements for Transition Administrator Certificate**

(2) The requirements of this rule shall become effective August 1, 2017.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 20—Division of Learning Services  
Chapter 400—Office of Educator Quality**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education (board) under

sections 168.011, 168.405, and 168.409, RSMo 2000, and sections 161.092, 168.021, 168.071, 168.081, and 168.400, RSMo Supp. 2013, the board adopts a rule as follows:

5 CSR 20-400.630 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2013 (38 MoReg 1998-1999). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The board received numerous comments regarding the proposed rule.

**Editor's Note:** Due to the volume of comments received relating to 5 CSR 20-400.630, the department was unable to publish a list of individuals commenting on this rule. The department maintains a copy of all individual comments, which is available upon request. Requests should be made to Custodian of Records, Office of General Counsel and Governmental Affairs, Department of Elementary and Secondary Education, PO Box 480, Jefferson City, MO 65102-0480.

**COMMENT #1:** The board received two (2) comments requesting that the title for the certificate in subsection (1)(A) and subsection (1)(B) be changed from Career Education Director, Secondary/Postsecondary to Career Education Director, Secondary/Adult in order to reflect current practice and align with other rules.

**RESPONSE AND EXPLANATION OF CHANGE:** The board agrees and has amended subsections (1)(A)-(B) to match current practice and align with other rules.

**COMMENT #2:** Two (2) comments were received suggesting that the clarifying language be added to paragraphs (1)(A)1. and (1)(B)2. to state, "or the equivalent thereof from another educational leadership program meeting approval of the department." This language matches the language from the Initial Administrator Certificate to the Career Continuous Administrator Certificate.

**RESPONSE AND EXPLANATION OF CHANGE:** The board agrees and has amended paragraphs (1)(A)1. and (1)(B)2. of the rule to align with the Initial Administrator Certificate.

**COMMENT #3:** Twenty-one (21) comments were received requesting that the language, "or the equivalent thereof from another educational leadership program meeting approval of the department," be removed from paragraph (1)(A)1. due to concerns that such other educational leadership programs may not be required to undergo the same rigorous approval process as do educational leadership programs at colleges of education.

**RESPONSE:** The board has considered these concerns; however, the board has elected to include the language in paragraph (1)(A)1., "or the equivalent thereof from another educational leadership program meeting approval of the department."

**COMMENT #4:** Four (4) comments were received stating that the timing for implementation of this rule would impose an undue burden on educator preparation programs and students of such programs if the new requirements were to become effective immediately upon publication of this rule.

**RESPONSE AND EXPLANATION OF CHANGE:** Section (2) has been added, stating that all of the contents of this rule will not become effective until August 1, 2017. This effective date matches the date of implementation for the Missouri Standards for the Preparation of Educators, a closely related administrative rule guiding many of the requirements adopted herein.

### **5 CSR 20-400.630 Certification Requirements for Career Continuous Administrator Certificate**

(1) An applicant for a Missouri Career Continuous Administrator Certificate who possesses good moral character may be granted a Career Continuous Administrator Certificate subject to the certification requirements found in 5 CSR 20-400.500 and the following additional certification requirements specific to Career Continuous Administrator Certificates:

(A) The Career Continuous Administrator Certificate for either Career Education Director (Secondary/Adult); Elementary Principal (Grades K-8); Middle School Principal (Grades 5-9); Secondary Principal (Grades 7-12); or Special Education Director (Grades K-12) will be issued upon completion and verification of the following:

1. Completion of an educational specialist degree or higher, or the equivalent thereof, from a college or university or another educational leadership program meeting the approval of the department. Such degree, or the equivalent thereof, must be in educational leadership, reading/literacy, or curriculum/instruction;

2. Successful participation in an annual performance-based principal evaluation;

3. Participation in thirty (30) contact hours of professional development annually; and

4. Four (4) years of administrator experience approved by the Missouri Department of Elementary and Secondary Education (department);

(B) The holder of a Career Continuous Administrator Certificate for either Career Education Director (Secondary/Adult); Elementary Principal (Grades K-8); Middle School Principal (Grades 5-9); Secondary Principal (Grades 7-12); or Special Education Director (Grades K-12) is exempt from the thirty (30) contact hours of professional development if the holder has a local professional development plan in place with the school and meets at least two (2) of the following:

1. Ten (10) years of administrator experience approved by the department;

2. Completion of an educational specialist degree or higher, or the equivalent thereof, from a college or university or another educational leadership program meeting the approval of the department. Such degree, or the equivalent thereof, must be in educational leadership, reading/literacy, or curriculum/instruction; and/or

3. Certification from a nationally recognized professional administrator organization approved by the State Board of Education (board);

(2) The requirements of this rule shall become effective August 1, 2017.

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

### **Division 20—Division of Learning Services**

#### **Chapter 400—Office of Educator Quality**

### **ORDER OF RULEMAKING**

By the authority vested in the State Board of Education (board) under sections 168.011, 168.405, and 168.409, RSMo 2000, and sections 161.092, 168.021, 168.071, 168.081, and 168.400, RSMo Supp. 2013, the board adopts a rule as follows:

5 CSR 20-400.640 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2013 (38 MoReg 1999-2002). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The board received numerous comments regarding the proposed rule.

Editor's Note: Due to the volume of comments received relating to 5 CSR 20-400.640, the department was unable to publish a list of individuals commenting on this rule. The department maintains a copy of all individual comments, which is available upon request. Requests should be made to Custodian of Records, Office of General Counsel and Governmental Affairs, Department of Elementary and Secondary Education, PO Box 480, Jefferson City, MO 65102-0480.

COMMENT #1: The board received two (2) comments requesting that language stating that, "The applicant shall hold a valid Missouri professional teaching certificate or student services certificate of license to teach as an elementary or secondary school counselor" be added to paragraph (1)(D)1. to add clarity.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees that further clarity is necessary here and has added the suggested language to paragraph (1)(D)1.

COMMENT #2: One (1) comment was received requesting that subparagraphs (1)(E)4.A.-J. be added to account for the national standards for school psychologists.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees that this certificate and rule should align with national standards for school psychologists and has amended subparagraphs (1)(E)4.A.-J. accordingly.

COMMENT #3: Two (2) comments were received requesting that subsection (1)(F) be amended to include the correct title for the certificate, Speech-Language Pathologist, as opposed to the current title, Speech and Language Pathologist.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and has amended subsection (1)(F) to reflect the correct terminology.

COMMENT #4: Four (4) comments were received stating that the timing for implementation of this rule would impose an undue burden on educator preparation programs and students of such programs if the new requirements were to become effective immediately upon publication of this rule.

RESPONSE AND EXPLANATION OF CHANGE: Section (2) has been added, stating that all of the contents of this rule will not become effective until August 1, 2017. This effective date matches the date of implementation for the Missouri Standards for the Preparation of Educators, a closely related administrative rule guiding many of the requirements adopted herein.

### 5 CSR 20-400.640 Certification Requirements for Initial Student Services Certificate

(1) An applicant for a Missouri Initial Student Services Certificate, valid for a period of four (4) years, may be granted an Initial Student Services Certificate subject to the certification requirements found in 5 CSR 20-400.500 and the following additional requirements:

(D) The Initial Student Services Certificate for School Psychological Examiner (Kindergarten - Grade 12), valid for a period of four (4) years from the effective date of the certificate, will be issued to those persons meeting the following requirements:

1. The applicant shall hold a valid Missouri professional teaching certificate or student services certificate of license to teach as an elementary or secondary school counselor;

- A. Counseling Psychology;
- B. Educational Psychology;
- C. School Counseling; and
- D. Education;

2. Recommendation for certification from the designated official of an approved Psychological Examiner preparation program;

3. Completion of a course in Psychology/Education of the Exceptional Child; and

4. A minimum of twenty-four (24) semester hours of profes-

sional preparation at the graduate level with competencies demonstrated in all areas listed to the satisfaction of an approved preparation program—

A. Courses Areas—

(I) Psychological Development: Child, Adolescent, or Developmental Psychology;

(II) Psychology of Education;

(III) Statistical Methods;

(IV) Mental Hygiene or Psychology of Personality;

(V) Psychological Tests and Measures for the Analysis of Student Performance;

(VI) Individual Intelligence Tests; and

(VII) Individual Diagnostic Assessment (other than the Wechsler Intelligence Scale for Children and the Stanford-Binet Intelligence Scale);

B. Competencies—

(I) Methods and/or Techniques of Interpretation of Tests;

(II) Analysis and Diagnosis of Learning Problems, including special consideration of low-incidence populations;

(III) Interpretation of Formal and Informal Diagnostic Assessments and their Application for Prescriptive Instruction;

(IV) Utilization of Knowledge of Classroom Environment, Psychological Principles, and Test Data to Plan for Management of Special Needs Children;

(V) Diagnostic Interviewing Techniques;

(VI) Process of Staffing with Other Professionals to Develop Instructional Strategies; and

(VII) Administration and Interpretation of the Wechsler Intelligence Scale for Children and the Stanford-Binet Intelligence Scale; and

C. Field and Clinical Experiences (minimum of one hundred fifty (150) clock hours)—

(I) Culminating Clinical Experience. This culminating clinical experience must be in an educational or clinical setting with children and youth of school and the administration and interpretation of individual intelligence tests, formal and informal diagnostic procedures, and the application of the information to develop instructional strategies;

(E) The Initial Student Services Certificate for School Psychologist, valid for a period of four (4) years from the effective date of the certificate, will be issued to those persons meeting the following requirements:

1. Completion of a specialist or higher degree with a major emphasis in school psychology from an approved School Psychologist preparation program;

2. Recommendation for certification from the designated official of a School Psychologist preparation program approved by the department;

3. A minimum of sixty (60) semester hours of professional preparation at the graduate level with competencies demonstrated in all areas listed to the satisfaction of an approved School Psychologist preparation program—

A. Psychological Foundations—

(I) Biological Bases of Behavior;

(II) Human Learning;

(III) Social and Cultural Bases of Behavior;

(IV) Child and Adolescent Development;

(V) Individual Differences, including human exceptionalities; and

(VI) Developmental Psychology;

B. Educational Foundations—

(I) Instructional Design; and

(II) Organization and Operations of Schools;

C. Interventions/Problem Solving—

(I) Diverse Methods and Models of Assessment;

(II) Linked to Direct Interventions; and

(III) Linked to Indirect Interventions;

D. Statistics and Research Methodologies—

(I) Statistics;



- (II) Research and Evaluation Methods; and
- (III) Measurement; and

E. Professional School Psychology—

- (I) History and Foundations of School Psychology;
- (II) Legal and Ethical Issues;
- (III) Professional Issues and Standards;
- (IV) Alternative Models for Delivery of School Psychological Services;
- (V) Emergent Technologies; and
- (VI) Roles and Functions of the School Psychologist;

4. Competencies—

A. Data-Based Decision Making and Accountability. School psychologists have knowledge of varied models and methods of assessment and data collection methods for identifying strengths and needs, developing effective services and programs, and measuring progress and outcomes. As part of a systematic and comprehensive process of effective decision-making and problem solving that permeates all aspects of service delivery, school psychologists demonstrate skills to use psychological and educational assessment, data collection strategies, and technology resources and apply results to design, implement, and evaluate response to services and programs;

B. Consultation and Collaboration. School psychologists have knowledge of varied models and strategies of consultation, collaboration, and communication applicable to individuals, families, groups, and systems and methods to promote effective implementation of services. As part of a systematic and comprehensive process of effective decision-making and problem solving that permeates all aspects of service delivery, school psychologists demonstrate skills to consult, collaborate, and communicate effectively with others;

C. Interventions and Instructional Support to Develop Academic Skills. School psychologists have knowledge of biological, cultural, and social influences on academic skills; human learning, cognitive, and developmental processes; and evidence-based curricula and instructional strategies. School psychologists, in collaboration with others, demonstrate skills to use assessment and data collection methods and to implement and evaluate services that support cognitive and academic skills;

D. Interventions and Mental Health Services to Develop Social and Life Skills. School psychologists have knowledge of biological, cultural, developmental, and social influences on behavior and mental health, behavioral and emotional impacts on learning and life skills, and evidence-based strategies to promote social-emotional functioning and mental health. School psychologists, in collaboration with others, demonstrate skills to use assessment and data-collection methods and to implement and evaluate services that support socialization, learning, and mental health;

E. School-Wide Practices to Promote Learning. School psychologists have knowledge of school and systems structure, organization, and theory; general and special education; technology resources; and evidence-based school practices that promote learning and mental health. School psychologists, in collaboration with others, demonstrate skills to develop and implement practices and strategies to create and maintain effective and supportive learning environments for children and others;

F. Preventive and Responsive Services. School psychologists have knowledge of principles and research related to resilience and risk factors in learning and mental health, services in schools and communities to support multi-tiered prevention, and evidence-based strategies for effective crisis response. School psychologists, in collaboration with others, demonstrate skills to promote services that enhance learning, mental health, safety, and physical well-being through protective and adaptive factors and to implement effective crisis preparation, response, and recovery;

G. Family-School Collaboration Services. School psychologists have knowledge of principles and research related to family systems, strengths, needs, and culture; evidence-based strategies to support family influences on children's learning and mental health; and strategies to develop collaboration between families and schools.

School psychologists, in collaboration with others, demonstrate skills to design, implement, and evaluate services that respond to culture and context and facilitate family and school partnerships and interactions with community agencies for enhancement of academic and social-behavioral outcomes for children;

H. Diversity in Development and Learning. School psychologists have knowledge of individual diversity factors for children, families, and schools, including factors related to culture, context, and individual and role differences; and evidence-based strategies to enhance services and address potential influences related to diversity. School psychologists demonstrate skills to provide effective professional services that promote effective functioning for individuals, families, and schools with diverse characteristics, cultures, and backgrounds and across multiple contexts, with recognition that an understanding and respect for diversity in development and learning and advocacy for social justice are foundations for all aspects of service delivery;

I. Research and Program Evaluation. School psychologists have knowledge of research design, statistics, measurement, varied data collection and analysis techniques, and program evaluation sufficient for understanding research and interpreting data in applied settings. School psychologists demonstrate skills to evaluate and apply research as a foundation for service delivery and, in collaboration with others, use various techniques and technology resources for data collection, measurement, and analysis to support effective practices at the individual, group, and/or systems levels;

J. Legal, Ethical, and Professional Practice. School psychologists have knowledge of the history and foundations of school psychology; multiple service models and methods; ethical, legal, and professional standards; and other factors related to professional identity and effective practice as school psychologists. School psychologists demonstrate skills to provide services consistent with ethical, legal, and professional standards; engage in responsive ethical and professional decision-making; collaborate with other professionals; and apply professional work characteristics needed for effective practice as school psychologists, including respect for human diversity and social justice, communication skills, effective interpersonal skills, responsibility, adaptability, initiative, dependability, and technology skills; and

K. Information and Technology. Demonstrate an understanding of information sources and technology relevant to their work;

5. The applicant must achieve a score equal to or in excess of the qualifying score on the required exit assessment(s) as defined in 5 CSR 20-400.310 and 5 CSR 20-400.440. The official score shall be submitted to the department; and

6. Field and Clinical Experiences (minimum of one (1) year or one thousand two hundred (1,200) clock hours)—

A. Culminating Clinical Experience. This culminating clinical experience must be a planned program of experiences and supervised internship designed to achieve these competencies as part of an approved graduate degree program in school psychology. At least half of the internship completed in an educational setting. This internship experience will include opportunities to demonstrate skills learned in all coursework; and

(F) The Initial Student Services Certificate for Speech-Language Pathologist (Birth-Grade 12), valid for a period of four (4) years from the effective date of the certificate, will be issued to those persons meeting the following requirements:

1. Professional Requirements—

A. Possession of a master's or higher degree in Speech-Language Pathology from an accredited college or university; and

B. Possession of a valid, unencumbered, undisciplined Missouri license in Speech-Language Pathology from the Missouri Board of Registration for the Healing Arts.

(2) The requirements of this rule shall become effective August 1, 2017.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 20—Division of Learning Services  
Chapter 400—Office of Educator Quality**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education (board) under sections 168.011, 168.405, and 168.409, RSMo 2000, and sections 161.092, 168.021, 168.071, 168.081, and 168.400, RSMo Supp. 2013, the board adopts a rule as follows:

5 CSR 20-400.650 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2013 (38 MoReg 2002-2003). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The board received numerous comments regarding the proposed rule.

**Editor's Note:** Due to the volume of comments received relating to 5 CSR 20-400.650, the department was unable to publish a list of individuals commenting on this rule. The department maintains a copy of all individual comments, which is available upon request. Requests should be made to Custodian of Records, Office of General Counsel and Governmental Affairs, Department of Elementary and Secondary Education, PO Box 480, Jefferson City, MO 65102-0480.

**COMMENT #1:** The board received four (4) comments requesting that paragraphs (1)(A)5. and (1)(B)3. be amended to include language requiring "possession of a valid, unencumbered, undisciplined Missouri license in Speech-Language Pathology from the Missouri Board of Registration for the Healing Arts" to reflect current practice in Missouri.

**RESPONSE AND EXPLANATION:** The board agrees and has amended the language of paragraphs (1)(A)5. and (1)(B)3. accordingly.

**COMMENT #2:** Two (2) comments were received requesting that subparagraphs (1)(C)6.A.-C. be amended to include the correct title for the certificate, Speech-Language Pathologist, as opposed to the current title, Speech and Language Pathologist.

**RESPONSE AND EXPLANATION OF CHANGE:** The board agrees and has amended the language of subparagraphs (1)(C)6.A.-C. to reflect the correct title.

**COMMENT #3:** Four (4) comments were received stating that the timing for implementation of this rule would impose an undue burden on educator preparation programs and students of such programs if the new requirements were to become effective immediately upon publication of this rule.

**RESPONSE AND EXPLANATION OF CHANGE:** Section (2) has been added, stating that all of the contents of this rule will not become effective until August 1, 2017. This effective date matches the date of implementation for the Missouri Standards for the Preparation of Educators, a closely related administrative rule guiding many of the requirements adopted herein.

**5 CSR 20-400.650 Certification Requirements for Career Continuous Student Services Certificate**

(1) An applicant for a Career Continuous Student Services Certificate who possesses good moral character may be granted a Career Continuous Student Services Certificate subject to the certification requirements found in 5 CSR 20-400.500 and the following addition-

al certification requirements specific to Career Continuous Student Services Certificates:

(A) The Career Continuous Student Services Certificate will be issued upon completion and verification of the following:

1. Four (4) years of experience approved by the Missouri Department of Elementary and Secondary Education (department) in the specific area of Student Services Certification;

2. Participation in two (2) years of district-provided mentoring (during the first two (2) years of student services experience);

3. The development, implementation, and completion of a professional development plan of at least forty (40) contact hours of professional development, or three (3) semester hours of graduate credit toward an advanced degree;

4. Successful participation in an annual performance-based evaluation; and

5. For a Student Services Certificate—Speech-Language Pathologist, possession of a valid, unencumbered, undisciplined Missouri license in Speech-Language Pathology from the Missouri Board of Registration for the Healing Arts.

(B) The Career Continuous Student Services Certificate will remain valid upon verification of the following:

1. Continued participation in a performance-based evaluation;

2. Completion of twenty (20) contact hours of professional development annually; and

3. For a Student Services Certificate—Speech-Language Pathology, possession of a valid, unencumbered, undisciplined Missouri license in Speech-Language Pathology from the Missouri Board of Registration for the Healing Arts.

(C) The Career Continuous Student Services Certificate holder is exempt from additional professional development if the holder has a local professional development plan in place with the school and meets at least two (2) of the following:

1. For the Career Continuous Student Services - Career Education Counselor Certificate—

A. Ten (10) years of Career Education Counselor experience approved by the department;

B. An education specialist degree in School Counseling or a closely related field; and/or

C. Certification from a nationally recognized professional Counseling organization approved by the State Board of Education (board);

2. For the Career Continuous Student Services - Elementary Counselor (Grades K-8) Certificate—

A. Ten (10) years of School Counselor experience approved by the department;

B. An education specialist degree or higher in School Counseling or a closely related field; and/or

C. Certification from a nationally recognized professional School Counselor organization approved by the board;

3. For the Career Continuous Student Services - Secondary Counselor (Grades 7-12) Certificate—

A. Ten (10) years of School Counselor experience approved by the department;

B. An education specialist degree in School Counseling or a closely related field; and/or

C. Certification from a nationally recognized professional School Counselor organization approved by the board;

4. For the Career Continuous Student Services - School Psychological Examiner Certificate—

A. Ten (10) years of School Psychological Examiner experience approved by the department;

B. An education specialist degree in School Psychology or a closely related field; and/or

C. Certification from a nationally recognized professional School Psychology organization approved by the board;

5. For the Career Continuous Student Services - School Psychologist Certificate—

A. Ten (10) years of School Psychologist experience approved

by the department;

B. An education specialist degree in School Psychology or a closely related field; and/or

C. Certification from a nationally recognized professional School Psychology organization approved by the board; and

6. For the Career Continuous Student Services – Speech-Language Pathologist (Birth – Grade 12) Certificate—

A. Ten (10) years of Speech-Language Pathologist experience approved by the department;

B. An education specialist degree in Speech-Language Pathology or a closely related field; and/or

C. Certification from a nationally recognized professional Speech-Language Pathology organization approved by the board.

(2) The requirements of this rule shall become effective August 1, 2017.

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

**Division 20—Division of Learning Services  
Chapter 400—Office of Educator Quality**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education (board) under sections 168.011, 168.405, and 168.409, RSMo 2000, and sections 161.092, 168.021, 168.071, 168.081, and 168.400, RSMo Supp. 2013, the board adopts a rule as follows:

5 CSR 20-400.660 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2013 (38 MoReg 2003-2005). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received numerous comments regarding the proposed rule.

Editor's Note: Due to the volume of comments received relating to 5 CSR 20-400.660, the department was unable to publish a list of individuals commenting on this rule. The department maintains a copy of all individual comments, which is available upon request. Requests should be made to Custodian of Records, Office of General Counsel and Governmental Affairs, Department of Elementary and Secondary Education, PO Box 480, Jefferson City, MO 65102-0480.

COMMENT #1: The board received seventeen (17) comments requesting that subparts (1)(C)1.C.(I)(a)–(c) be amended to include three (3) options to achieving a Career Education (Secondary) Certificate in Culinary Arts. This amendment would reflect the current requirements in the Compendium of Missouri Certification Requirements.

RESPONSE AND EXPLANATION OF CHANGE: The board of education (board) agrees and has updated subparts (1)(C)1.C.(I)(a)–(c) accordingly to match the current requirements.

COMMENT #2: One (1) comment was received suggesting that paragraph (1)(C)5. be amended to update the title for Technology and Engineering to Skilled Technical Sciences in order to align with current practice in the field.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and has updated paragraph (1)(C)5. accordingly.

COMMENT #3: Three (3) comments were received requesting that subsections (2)(B)–(C) be removed from the Personal Finance section

of this rule to align with the current requirements in the Compendium of Missouri Certification Requirements.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and has removed subsections (2)(B)–(C) accordingly.

COMMENT #4: Four (4) comments were received stating that the timing for implementation of this rule would impose an undue burden on educator preparation programs and students of such programs if the new requirements were to become effective immediately upon publication of this rule.

RESPONSE AND EXPLANATION OF CHANGE: Section (3) has been added, stating that all of the contents of this rule will not become effective until August 1, 2017. This effective date matches the date of implementation for the Missouri Standards for the Preparation of Educators, a closely related administrative rule guiding many of the requirements adopted herein.

**5 CSR 20-400.660 Certification Requirements for Career Education (Secondary) Certificates**

(1) An applicant for a Career Education (Secondary) Certificate who possesses good moral character may be granted a Career Education (Secondary) Certificate subject to the certification requirements found in 5 CSR 20-400.500 and the following additional certification requirements specific to Career Education (Secondary) Certificates:

(C) Certificate Titles and Specific Requirements for Each Specific Area of Career Education Certification—

- I. Family, Consumer Sciences, and Human Services—
  - A. Apparel and Textiles;
  - B. Cosmetologist (requires professional licensing);
  - C. Culinary Arts:

(I) For a Culinary Arts Certificate, candidates must satisfy the requirements of at least one (I) of the following:

(a) Satisfaction of the General Requirements and Professional Requirements in sections (1)(A)–(B) of this rule; or

(b) Satisfaction of the requirements below:

I. Bachelor of Science Degree in Home Economics Education, Family and Consumer Sciences Education, or Vocational Family Consumer Sciences; or possession of a valid Missouri professional teaching certificate in the area of Family and Consumer Sciences;

II. Possession of a current Secondary Food Service Education Certificate from the National Restaurant Association Education Foundation, and a Serve Safe Certificate; and

III. Two thousand (2000) hours of department-approved, related occupational experience from the most recent ten (10) years; or

(c) Satisfaction of the requirements below:

I. Bachelor of Science Degree in Home Economics Education, Family and Consumer Sciences Education, or Vocational Family Consumer Sciences; or possession of a valid Missouri professional teaching certificate in the area of Family and Consumer Sciences;

II. Possession of a current Secondary Culinary Education Certificate from the American Culinary Federation; and

III. Two thousand (2000) hours of department-approved, related occupational experience from the most recent ten (10) years; or

D. Family and Consumer Sciences Related Careers Cooperative Education;

- E. Food and Beverage/Restaurant Operations Manager;
- F. Food Production, Management, and Related Services;
- G. Hospitality Administration/Management, General;
- H. Housing and Home Environments;
- I. Human Development/Adult Development and Aging—

(I) A Human Development/Adult Development and Aging certificate requires a minimum of an associate's degree;

- J. Human Development/Child Care—

(I) A Human Development/Child Care certificate requires a minimum of an associate's degree;

2. Applicants for a Family and Consumer Sciences Career Education Certificate of license to teach in the specific area of Human Development/Child Care and Human Development/Adult Development and Aging must have a minimum of an associate's or higher degree in an area appropriate for the subject area being taught and comply with subsections (1)(A)-(B) general and professional requirements. Applicants in the areas of Apparel and Textiles; Cosmetologist; Culinary Arts; Family and Consumer Sciences Related Careers Cooperative Education; Food and Beverage/Restaurant Operations Manager; Food Production, Management and Related Services; Hospitality, Administration/Management, General; and Housing and Home Environments must comply with subsections (1)(A)-(B) general and professional requirements;

3. Health Sciences—

- A. Dental Assistant (requires professional licensing);
- B. Dental Laboratory Technician;
- C. Emergency Medical Technology/Technician (requires professional licensing);
- D. Health Aide or Health Services Assistant (requires professional licensing);
- E. Medical Assistant (requires professional licensing);
- F. Medical Laboratory Technician;
- G. Medical Transcriptionist (requires professional licensing);
- H. Pharmacy Technician/Assistant (requires professional licensing); and
- I. Sign Language Interpreter (requires professional licensing);

4. The applicant for a Health Sciences Career Education Certificate of license to teach must comply with the general and professional requirements from paragraph (1)(C)3. and the following:

A. Applicant must provide a valid authorization from the applicable accrediting agency certifying that applicant meets requirements to teach in the subject area and student level of the instructional program; and

B. Applicant must provide documentation of a valid, unencumbered, undisciplined professional license (if applicable for instructional area to be taught);

5. Skilled Technical Sciences—

A. Certificate Titles—

- (I) Aircraft Mechanic/Technician, Powerplant (requires professional licensing);
- (II) Airframe Mechanic/Technician, Airframe (requires professional licensing);
- (III) Auto/Automotive Body Repairer;
- (IV) Auto/Automotive Mechanic/Technician;
- (V) Aviation Management;
- (VI) Building/Property Maintenance and Manager;
- (VII) Cabinet Maker and Millworker;
- (VIII) Carpenter;
- (IX) Cartography;
- (X) Commercial Photography;
- (XI) Computer Maintenance Technology/Technician;
- (XII) Construction/Building Technology/Technician;
- (XIII) Diesel Engine Mechanic and Repairer;
- (XIV) Drafting, General;
- (XV) Electrical and Electronics Equipment Installer and Repairer, General;
- (XVI) Electrician;
- (XVII) Fire Science/Firefighting;
- (XVIII) Graphic and Printing Equipment Operator, General;
- (XIX) Graphic Design, Commercial Art, and Illustration;
- (XX) Heating, Air Conditioning, and Refrigeration Mechanic and Repairer;
- (XXI) Heavy Equipment Maintenance and Repairer;
- (XXII) Industrial Technology/Technician;
- (XXIII) Laser and Optical Technology/Technician;

- (XXIV) Law Enforcement/Police Science;
- (XXV) Machinist/Machine Technologist;
- (XXVI) Marine Maintenance and Ship Repairer;
- (XXVII) Mason and Tile Setter;
- (XXVIII) Motorcycle Mechanic and Repairer;
- (XXIX) Plumbing Technology/Plumber;
- (XXX) Radio and Television Broadcasting Technology/Technician;
- (XXXI) Small Engine Mechanic and Repairer; and
- (XXXII) Welder/Welding Technologist;

6. The applicant for a Skilled Technical Sciences Career Education certificate of license to teach must comply with subsections (1)(A)-(B) general and professional requirements and the following:

A. The applicant must provide documentation of a valid, unencumbered, undisciplined license (if applicable for instructional area to be taught);

7. The applicant for a ROTC Career Education certificate of license to teach must comply with subsections (1)(A)-(B) general and professional requirements; and

8. The applicant for a Special Needs Career Education certificate of license to teach must comply with the general and professional requirements from subsections (1)(A)-(B) and the following:

A. Possession of a bachelor's degree or higher from a college or university approved by the department;

B. A valid professional classification Missouri certificate of license to teach in one (1) of the following areas: elementary education, middle school, math (Grades 9-12), English (Grades 7-12), industrial arts, technology education, counseling, special education, or career education; and

C. The applicant must provide documentation/transcripts of completion of a course in Methods of Teaching Disabled Students or a methods course appropriate to the disability area(s) of their employment.

(2) An applicant for a Career Education (Secondary) Missouri certificate of license to teach Personal Finance who possesses good moral character may be granted a Career Education (Secondary) Missouri certificate of license to teach Personal Finance subject to the certification requirements found in 5 CSR 20-400.500 and the following additional certification requirements specific to Personal Finance:

(A) General Requirements—

1. The applicant must submit a joint application verifying contracted employment from a Missouri school district;

2. Verification of a bachelor's degree or higher in an area appropriate for the subject area being taught, and four thousand (4,000) hours of related occupational experience obtained within the most recent ten (10) years and approved by the department; and

3. Completion of the assessment(s) required by the State Board of Education (board) with a score equal to or greater than the Missouri qualifying score. The official score must be submitted to the department.

(3) The requirements of this rule shall become effective August 1, 2017.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 20—Division of Learning Services  
Chapter 400—Office of Educator Quality**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education (board) under sections 168.011, 168.405, and 168.409, RSMo 2000, and sections 161.092, 168.021, 168.071, 168.081, and 168.400, RSMo Supp.

2013, the board adopts a rule as follows:

5 CSR 20-400.670 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2013 (38 MoReg 2005-2006). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The board received numerous comments regarding the proposed rule.

**Editor's Note:** Due to the volume of comments received relating to 5 CSR 20-400.670, the department was unable to publish a list of individuals commenting on this rule. The department maintains a copy of all individual comments, which is available upon request. Requests should be made to Custodian of Records, Office of General Counsel and Governmental Affairs, Department of Elementary and Secondary Education, PO Box 480, Jefferson City, MO 65102-0480.

**COMMENT #1:** The board received four (4) comments requesting that the title, purpose, and section (1) of this rule be updated to change the word "Secondary" to "Adult" in the title of this certificate. This change would align the title to current terminology and practice.

**RESPONSE AND EXPLANATION OF CHANGE:** The State Board of Education (board) agrees and has changed the title, purpose, and section (1) of this rule to align with current terminology and practice.

**COMMENT #2:** The department received seventeen (17) comments requesting that subparts (1)(C)1.D.(I)(a)-(c) be amended to include three (3) options to achieving a Career Education (Secondary) Certificate in Culinary Arts. This amendment would reflect the current requirements in the Compendium of Missouri Certification Requirements.

**RESPONSE AND EXPLANATION OF CHANGE:** The board of education (board) agrees and has updated subparts (1)(C)1.D.(I)(a)-(c) accordingly to match the current requirements.

**COMMENT #3:** One (1) comment was received suggesting that paragraph (1)(C)8. be amended to update the title for Technology and Engineering to Skilled Technical Sciences in order to align with current practice in the field.

**RESPONSE AND EXPLANATION OF CHANGE:** The board agrees and has updated paragraph (1)(C)8. accordingly.

**COMMENT #4:** Four (4) comments were received stating that the timing for implementation of this rule would impose an undue burden on educator preparation programs and students of such programs if the new requirements were to become effective immediately upon publication of this rule.

**RESPONSE AND EXPLANATION OF CHANGE:** Section (2) has been added, stating that all of the contents of this rule will not become effective until August 1, 2017. This effective date matches the date of implementation for the Missouri Standards for the Preparation of Educators, a closely related administrative rule guiding many of the requirements adopted herein.

### **5 CSR 20-400.670 Certification Requirements for Career Education (Adult) Certificate**

**PURPOSE:** *The State Board of Education is authorized to grant certificates of license to teach in any of the public schools of the state and establish requirements and qualifications for those certificates. This rule outlines the requirements for application for each of the various areas of certification within the Career Education (Adult) Certificate.*

(1) An applicant for a Career Education (Adult) Certificate who possesses good moral character may be granted a Career Education (Adult) Certificate subject to the certification requirements found in 5 CSR 20-400.500 and the following additional certification requirements specific to Career Education (Adult) Certificates:

(C) Certificate Titles and Specific Requirements for Each Specific Area of Career Education Certification—

1. Agricultural Education—
  - A. Agricultural Education;
  - B. Agricultural Business;
  - C. Agricultural Mechanics;
  - D. Agricultural Production;
  - E. Agricultural Processing;
  - F. Agricultural Resources;
  - G. Agricultural Service/Supplies;
  - H. Forestry; and
  - I. Horticulture;

2. Business Education—
  - A. Career Business Education;

3. Family, Consumer Sciences, and Human Services—
  - A. Apparel and Textiles;
  - B. Career Family and Consumer Sciences;
  - C. Cosmetologist (requires professional licensing);
  - D. Culinary Arts;

(I) For a Culinary Arts Certificate, candidates must satisfy the requirements of at least one (1) of the following:

- (a) Satisfaction of the General Requirements and Professional Requirements in subsections (1)(A)-(B) of this rule; or
- (b) Satisfaction of the requirements below:

I. Bachelor of Science Degree in Home Economics Education, Family and Consumer Sciences Education, or Vocational Family Consumer Sciences; or possession of a valid Missouri professional teaching certificate in the area of Family and Consumer Sciences;

II. Possession of a current Secondary Food Service Education Certificate from the National Restaurant Association Education Foundation, and a Serve Safe Certificate; and

III. Two thousand (2000) hours of department-approved, related occupational experience from the most recent ten (10) years; or

- (c) Satisfaction of the requirements below:

I. Bachelor of Science Degree in Home Economics Education, Family and Consumer Sciences Education, or Vocational Family Consumer Sciences; or possession of a valid Missouri professional teaching certificate in the area of Family and Consumer Sciences;

II. Possession of a current Secondary Culinary Education Certificate from the American Culinary Federation; and

III. Two thousand (2000) hours of department-approved, related occupational experience from the most recent ten (10) years; or

- E. Dietetic Services;
- F. Food and Beverage/Restaurant Operations Manager;
- G. Food Production, Management and Related Services;
- H. Hospitality Administration/Management, General;
- I. Housing and Home Environments;
- J. Human Development/Adult Development and Aging;
- K. Human Development/Child Care; and
- L. Massage Therapy (requires professional licensing);

4. The applicant for a Family and Consumer Science Career Education Certificate of license to teach in the specific area of Human Development/Child Care and Human Development/Adult Development and Aging must have a minimum of an associate's or higher degree in an area appropriate for the subject area being taught and comply with subsections (1)(A)-(B). Applicants in the areas of Apparel and Textiles; Career Family and Consumer Sciences; Culinary Arts; Food and Beverage/Restaurant Operation Manager;

Food Production, Management and Related Services; and Housing Environments must comply with subsections (1)(A)-(B).

5. Health Sciences—

- A. Dental Assistant (requires professional licensing);
- B. Dental Hygienist (requires professional licensing);
- C. Dental Laboratory Technician;
- D. Diagnostic Medical Sonography Technician (requires professional licensing);
- E. Emergency Medical Technology/Technician (requires professional licensing);
- F. Funeral Service and Mortuary Science (requires professional licensing);
- G. Health Professions and Related Sciences, Other;
- H. Health Unit Coordinator/Ward Clerk;
- I. Licensed Practical Nursing (requires professional licensing);
- J. Medical Assistant (requires professional licensing);
- K. Medical Laboratory Assistant (requires professional licensing);
- L. Medical Laboratory Technician (requires professional licensing);
- M. Medical Radiologic Technology/Technician (requires professional licensing);
- N. Medical Record Technology/Technician (requires professional licensing);
- O. Medical Transcription (requires professional licensing);
- P. Nursing Assistant/Aide;
- Q. Nursing, Other (requires professional licensing);
- R. Occupational Therapy Assistant (requires professional licensing);
- S. Pharmacy Technician/Assistant (requires professional licensing);
- T. Physical Therapy Assistant (requires professional licensing);
- U. Registered Nursing Training (requires professional licensing);
- V. Respiratory Therapy Technician (requires professional licensing);
- W. Sign Language Interpreter (requires professional licensing); and
- X. Surgical/Operating Room Technology (requires professional licensing);

6. The applicant for a Health Sciences Career Education Certificate of license to teach must comply with subsections (1)(A)-(B) and the following:

A. Applicant must provide a valid authorization from the applicable accrediting agency certifying that applicant meets requirements to teach in the subject area and student level of the instructional program; and

B. Applicant must provide documentation of a valid, unencumbered, undisciplined professional license (if applicable for instructional area to be taught);

7. Marketing Education—

A. Marketing;

8. Skilled Technical Sciences—

A. Certification Titles—

- (I) Aircraft Mechanic/Technician, Powerplant (requires professional licensing);
- (II) Airframe Mechanic/Technician, Airframe (requires professional licensing);
- (III) Architectural Engineering Technology/Technician;
- (IV) Auto/Automotive Body Repairer;
- (V) Auto/Automotive Mechanic/Technician;
- (VI) Automotive Engineering Technology/Technician;
- (VII) Aviation Management;
- (VIII) Aviation Systems and Avionics Maintenance Technology/Technician (requires professional licensing);
- (IX) Biomedical Engineering-Related Technology/Technician;

- (X) Building/Property Maintenance and Manager;
- (XI) Cabinet Maker and Millworker;
- (XII) Carpenter;
- (XIII) Cartography;
- (XIV) Chemical Technology/Technician;
- (XV) Civil Engineering/Civil Technology/Technician;
- (XVI) Commercial Photography;
- (XVII) Communications Systems Installer and Repairer;
- (XVIII) Computer Installer and Repairer;
- (XIX) Computer Maintenance Technology/Technician;
- (XX) Construction Equipment Operator;
- (XXI) Construction/Building Technology/Technician;
- (XXII) Diesel Engine Mechanic and Repairer;
- (XXIII) Drafting, General;
- (XXIV) Electrical and Electronics Equipment Installer and

Repairer, General;

- (XXV) Electrical and Power Transmission Installer, General;
- (XXVI) Electromechanical Technology/Technician;
- (XXVII) Fire Protection and Safety Technology/Technician;
- (XXVIII) Fire Science/Firefighting;
- (XXIX) Graphic and Printing Equipment Operator, General;
- (XXX) Graphic Design, Commercial Art, and Illustration;
- (XXXI) Heating, Air Conditioning, and Refrigeration

Mechanic and Repairer;

- (XXXII) Heavy Equipment Maintenance and Repairer;
- (XXXIII) Industrial Design;
- (XXXIV) Industrial Electronics Installer and Repairer;
- (XXXV) Industrial Machinery Maintenance and Repairer;
- (XXXVI) Instrumentation Technology/Technician;
- (XXXVII) Ironworking/Ironworker;
- (XXXVIII) Laser and Optical Technology/Technician;
- (XXXIX) Law Enforcement/Police Science;
- (XL) Machinist/Machine Technologist;
- (XLI) Major Appliance Installer and Repairer;
- (XLII) Manufacturing Technology;
- (XLIII) Marine Maintenance and Ship Repairer;
- (XLIV) Mason and Tile Setter;
- (XLV) Mechanical Engineering/Mechanical Technology/Technician;

(XLVI) Motorcycle Mechanic and Repairer;

- (XLVII) Nuclear Engineering Technology/Technician;
- (XLVIII) Occupational Safety and Health Technology/Technician;

(XLIX) Painter and Wall Coverer;

- (L) Pipefitting/Pipefitter and Sprinkler Fitter;
- (LI) Plumbing Technology/Plumber;
- (LII) Quality Control Technology/Technician;
- (LIII) Radio and Television Broadcasting Technology/Technician;
- (LIV) Robotics Technology/Technician;
- (LV) Sheet Metal Worker;
- (LVI) Small Engine Mechanic and Repairer;
- (LVII) Truck, Bus, and Other Commercial Vehicle

Operator (requires professional licensing);

- (LVIII) Upholsterer;
- (LIX) Water Quality and Wastewater Treatment Technology/Technician; and
- (LX) Welder/Welding Technologist;

9. The applicant for a Skilled Technical Sciences Career Education Certificate of license to teach must comply with subsections (1)(A)-(B) and the following:

A. Applicant must provide documentation of a valid, unencumbered, undisciplined copy of their professional license (if applicable for instructional area to be taught).

(2) The requirements of this rule shall become effective August 1, 2017.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 20—Division of Learning Services  
Chapter 400—Office of Educator Quality**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education (board) under sections 168.011, 168.405, and 168.409, RSMo 2000, and sections 161.092, 168.021, 168.071, 168.081, and 168.400, RSMo Supp. 2013, the board adopts a rule as follows:

5 CSR 20-400.680 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2013 (38 MoReg 2006–2007). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received numerous comments regarding the proposed rule.

Editor's Note: Due to the volume of comments received relating to 5 CSR 20-400.680, the department was unable to publish a list of individuals commenting on this rule. The department maintains a copy of all individual comments, which is available upon request. Requests should be made to Custodian of Records, Office of General Counsel and Governmental Affairs, Department of Elementary and Secondary Education, PO Box 480, Jefferson City, MO 65102-0480.

COMMENT #1: The board received four (4) comments requesting that the title, purpose, and section (1) of this rule be updated to change the word "Postsecondary" to "Adult" in the title of this certificate. This change would align the title to current terminology and practice.

RESPONSE AND EXPLANATION OF CHANGE: The state board of education (board) agrees and has changed the title, purpose, and section (1) of this rule to align with current terminology and practice.

COMMENT #2: Four (4) comments were received stating that the timing for implementation of this rule would impose an undue burden on educator preparation programs and students of such programs if the new requirements were to become effective immediately upon publication of this rule.

RESPONSE AND EXPLANATION OF CHANGE: Section (2) has been added, stating that all of the contents of this rule will not become effective until August 1, 2017. This effective date matches the date of implementation for the Missouri Standards for the Preparation of Educators, a closely related administrative rule guiding many of the requirements adopted herein.

**5 CSR 20-400.680 Certification Requirements for Career Education (Secondary/Adult) Certificates**

*PURPOSE: The State Board of Education is authorized to grant certificates of license to teach in any of the public schools of the state and establish requirements and qualifications for those certificates. This rule outlines the requirements for application for each of the various areas of certification within the Career Education (Secondary/Adult) Certificate.*

(1) An applicant for a Career Education (Secondary/Adult) Certificate, valid for a period of four (4) years, may be granted a Career Education (Secondary/Adult) Certificate subject to the certification requirements found in 5 CSR 20-400.500 and the following additional requirements:

(A) Applicants for a Career Services Coordinator (Secondary/Adult) Career Education Certificate, valid for a period of four (4) years from the effective date of the certificate, will be issued such a certificate subject to the following requirements:

1. The applicant must have secured a Career Services Coordinator position in their area of professional/technical preparation and/or training and the employing school district or postsecondary institution must request and endorse certification for the applicant; and

2. The applicant must possess a bachelor's degree or higher degree in a business-related field or human resources.

(B) Applicants for an Adult Education Supervisor (Secondary/Adult) Career Education Certificate, valid for a period of four (4) years from the effective date of the certificate, will be issued such a certificate subject to the following requirements:

(2) The requirements of this rule shall become effective August 1, 2017.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 20—Division of Learning Services  
Chapter 400—Office of Educator Quality**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education (board) under sections 168.011, 168.405, and 168.409, RSMo 2000, and sections 161.092, 168.021, 168.071, 168.081, and 168.400, RSMo Supp. 2013, the board adopts a rule as follows:

5 CSR 20-400.690 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2013 (38 MoReg 2007–2008). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received numerous comments regarding the proposed rule.

Editor's Note: Due to the volume of comments received relating to 5 CSR 20-400.690, the department was unable to publish a list of individuals commenting on this rule. The department maintains a copy of all individual comments, which is available upon request. Requests should be made to Custodian of Records, Office of General Counsel and Governmental Affairs, Department of Elementary and Secondary Education, PO Box 480, Jefferson City, MO 65102-0480.

COMMENT #1: The board received four (4) comments stating that the timing for implementation of this rule would impose an undue burden on educator preparation programs and students of such programs if the new requirements were to become effective immediately upon publication of this rule.

RESPONSE AND EXPLANATION OF CHANGE: Section (2) has been added, stating that all of the contents of this rule will not become effective until August 1, 2017. This effective date matches the date of implementation for the Missouri Standards for the Preparation of Educators, a closely related administrative rule guiding many of the requirements adopted herein.

**5 CSR 20-400.690 Certification Requirements for Career Continuous Career Education Certificate**

(2) The requirements of this rule shall become effective August 1, 2017.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 20—Division of Learning Services  
Chapter 400—Office of Educator Quality**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education (board) under sections 168.011, 168.405, and 168.409, RSMo 2000, and sections 161.092, 168.021, 168.071, 168.081, and 168.400, RSMo Supp. 2013, the board adopts a rule as follows:

5 CSR 20-400.700 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 2, 2013 (38 MoReg 2008). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The board received numerous comments regarding the proposed rule.

**Editor's Note:** Due to the volume of comments received relating to 5 CSR 20-400.700, the department was unable to publish a list of individuals commenting on this rule. The department maintains a copy of all individual comments, which is available upon request. Requests should be made to Custodian of Records, Office of General Counsel and Governmental Affairs, Department of Elementary and Secondary Education, PO Box 480, Jefferson City, MO 65102-0480.

**COMMENT #1:** The board received one (1) comment requesting that subsection (2)(B) be amended to add clarifying language to the Career Continuous Adult Education and Literacy Certificate requirements and to reflect current practice.

**RESPONSE AND EXPLANATION OF CHANGE:** The board agrees and has amended the rule to add clarifying language to the certificate requirements in subsection (2)(B) to reflect current practice.

**COMMENT #2:** Four (4) comments were received stating that the timing for implementation of this rule would impose an undue burden on educator preparation programs and students of such programs if the new requirements were to become effective immediately upon publication of this rule.

**RESPONSE AND EXPLANATION OF CHANGE:** Section (3) has been added, stating that all of the contents of this rule will not become effective until August 1, 2017. This effective date matches the date of implementation for the Missouri Standards for the Preparation of Educators, a closely related administrative rule guiding many of the requirements adopted herein.

**5 CSR 20-400.700 Certification Requirements for Adult Education and Literacy**

(2) Career Continuous Adult Education and Literacy Certificate—

(B) A Career Continuous Adult Education and Literacy Certificate holder is exempt from the twenty (20) contact hours of professional development, if the holder has a local professional development plan in place with the school and at least two (2) of the following:

1. Ten (10) years of teaching experience approved by the department;
2. Accumulation of a minimum of one hundred (100) Adult Education and Literacy instructional hours per year during the ten (10) years of state approved teaching experience; and/or
3. A masters degree from an accredited college or university.

(3) The requirements of this rule shall become effective August 1, 2017.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 20—Division of Learning Services  
Chapter 500—Office of Adult Learning and  
Rehabilitation Services**

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Education under sections 178.600, 178.610, and 178.620, RSMo 2000, and section 161.092, RSMo Supp. 2013, the board amends a rule as follows:

**5 CSR 20-500.120 Definitions is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2013 (38 MoReg 1764). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—MO HealthNet Division  
Chapter 10—Nursing Home Program**

**ORDER OF RULEMAKING**

By the authority vested in the MO HealthNet Division under section 208.159, RSMo 2000, and sections 208.153 and 208.201, RSMo Supp. 2013, the division amends a rule as follows:

**13 CSR 70-10.016 Global Per Diem Adjustments to Nursing Facility and HIV Nursing Facility Reimbursement Rates is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2013 (38 MoReg 2039-2042). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** No comments were received.