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**Rules of**  
**Department of Elementary and**  
**Secondary Education**  
**Division 30—Division of School Services**  
**Chapter 345—Missouri School Improvement Program**

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**Title 5—DEPARTMENT OF  
ELEMENTARY AND  
SECONDARY EDUCATION  
Division 30—Division of School Services  
Chapter 345—Missouri School  
Improvement Program**

**5 CSR 30-345.010 General Provisions**

*PURPOSE: This rule implements a program of comprehensive assessments of school districts' educational resources, instructional processes and educational outcomes designed to stimulate and encourage improvement in the efficiency and effectiveness of instruction, and provides information which will enable the State Board of Education to accredit and classify the districts as required by section 161.092, RSMo.*

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

(1) This rule incorporates by reference the Missouri School Improvement Program which is comprised of qualitative and quantitative standards for school districts. The standards are organized in three (3) sections—Resource Standards, Process Standards and Performance Standards. The standards are supported by appendices which include: the minimum graduation requirements, media standards for school learning resource centers, teacher certification requirements and assessment program standards.

(2) During each year, beginning with the 1990-91 academic year, the Department of Elementary and Secondary Education will select school districts which will be reviewed and classified in accordance with this rule and the standards and procedures of the Missouri School Improvement Program. After July 1, 1996, all school districts will be reviewed and classified under the standards and procedures of the Missouri School Improvement Program on a rotation basis once every five (5) years.

(3) The State Board of Education will assign classification designations of unaccredited, provisionally accredited and accredited based on the standards of the Missouri School Improvement Program.

(4) As a condition of receiving a classification designation other than unaccredited, each school district reviewed under the Missouri School Improvement Program must file a school improvement plan in a form and by dates specified by the Department of Elementary and Secondary Education and implement it in accordance with a specified schedule.

(5) A school district's classification designation based on the standards of the Missouri School Improvement Program will remain in effect until the State Board of Education approves another designation. The State Board of Education will consider changing a district's classification designation after its regularly scheduled review or upon the board's determination that the district has—

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

(B) Implemented its school improvement plan substantially and, therefore, may qualify for a higher classification designation; or

(C) Altered significantly the scope or effectiveness of the programs or services upon which the original classification designation was based.

(6) A school district designated unaccredited by the State Board of Education under the provisions of this rule before the 1995-96 school year, and which continues in unaccredited status throughout the 1995-96 school year, will be liable for tuition and transportation for resident students legally transferring to another district under the provisions of section 167.131, RSMo from the beginning of the 1996-97 school year through the end of the school year during which the State Board of Education awards the district a designation of provisionally accredited or higher. A school district designated unaccredited by the State Board of Education under the provisions of this rule during the 1995-96 school year or thereafter will be liable for tuition and transportation for resident students legally transferring to another district under the provisions of section 167.131, RSMo from the date of the action by the State Board of Education through the end of the school year during which the State Board of Education awards the district a designation of provisionally accredited or higher.

(7) Any school district which on June 30, 1997, or any succeeding June 30, thereafter, has been unaccredited under the provisions of 5 CSR 30-345.010 for two (2) successive years will be subject to lapsing under the provisions of section 162.081, RSMo.

(8) The board of education of any school district which is dissatisfied with the classification designation assigned by the State Board of Education may request a hearing before the commissioner of education for the purpose of showing cause why its classification designation should be reconsidered. Each request must be submitted in writing and set forth the specific reasons for the request, including any errors of fact upon which the State Board of Education relied in making the classification designation. If the commissioner of education agrees that sufficient cause has been shown, s/he will request the State Board of Education to reconsider the district's classification designation together with the additional or corrected information.

*AUTHORITY: section 161.092, RSMo 1994. \* This rule was previously filed as 5 CSR 50-345.010. Original rule filed July 16, 1990, effective Dec. 31, 1990. Amended: Filed Sept. 27, 1991, effective March 9, 1992. Amended: Filed Feb. 27, 1992, effective Sept. 6, 1992. Amended: Filed Oct. 27, 1992, effective July 1, 1993. Amended: Filed May 31, 1994, effective Dec. 30, 1994. Changed to 5 CSR 30-345.010, effective April 30, 1997. Amended: Filed Sept. 27, 1996, effective April 30, 1997.*

*\*Original authority 1963, amended 1973.*

**5 CSR 30-345.020 Policies on Waiver of Regulations**

*PURPOSE: This rule establishes the criteria and procedures for annually identifying school district and/or school building eligibility for waivers in compliance with sections 161.210, 163.031.5(3), 160.545 and 160.518, RSMo. The student performance data will be reviewed, and the commissioner will notify districts if they are eligible for a waiver. Districts may respond to this notification by either accepting or rejecting such waiver. This rule contains four (4) types of department-wide waivers of regulations which may be granted to school districts. Regulations identified in the Missouri School Improvement Program (MSIP) Waiver Plan will be waived in each of the four (4) categories of waivers; however, the criteria for qualifying varies with each waiver. In all cases, the performance indicators will be evaluated on data in the same manner as in regular MSIP reviews (i.e., data from 1999-2000 would used as the most current for districts being reviewed in 2000-2001).*

(1) Missouri School Improvement Program (MSIP) On-Site Review.

(A) Districts will qualify for a waiver of the next scheduled MSIP review if they meet the following:

1. The district, based upon department generated Annual Performance Reports (APR), meets the performance indicators at the accredited level (including at least two (2) of the measurements in Standard 16.1 and at least three (3) of the measurements in Standard 16.3 for K-12 districts; or, for K-8 districts, four (4) of five (5) performance measurements, two (2) from 16.1 and two (2) from 16.2 and 17.1\*3 combined and having no dropouts) for three (3) of the last four (4) years, including the last year's APR, based upon the annual Performance Scoring Guide. (In order for districts to have adequate time to prepare for the MSIP review, the decision on eligibility for waivers must be made by December of the second preceding year; therefore, the determination would be based upon the calls made during their last review and the succeeding three (3) APRs);

2. Districts having twenty (20) or more students in any identified ethnic minority must demonstrate improvement in the minority population's achievement which is equal to or greater than the achievement of the non-minority population on the Missouri Assessment Program (MAP). The following process will be used to judge this condition:

A. First, the three (3) MSIP grade spans will be examined to determine whether any grade span has twenty (20) or more students in any identified minority in each grade tested in that span for both the preceding and second preceding year;

B. Second, grade spans meeting the above condition will be examined to determine how many times the identified ethnic minority group equals or exceeds the improvement of the non-minority population on each test when comparing results from the second preceding to the preceding year on both the upper two (2) levels (Proficient and Advanced combined) and the bottom two (2) levels (Step I and Progressing combined) for each test in that grade span; and

C. Third, at least sixty-two percent (62%) positive comparisons between the two (2) groups are required to be acceptable;

3. The district agrees to administer the MSIP Advance Questionnaire; and

4. The district completes an annual MSIP Waiver Plan which confirms the district's adherence to the specific laws and rules referred to in the checklist.

(B) If a district meets the criteria for a waiver of its regularly scheduled five (5)-year MSIP review, Department of Elementary and Secondary Education (DESE) will conduct a mini-team review which will focus on the

areas identified in the MSIP Waiver Plan. The team will include the state supervisor and representatives from appropriate DESE sections.

(C) If the district meets the performance indicators at a level that would qualify for "Distinction" the year of their scheduled review, DESE will conduct a desk audit of the Resource Report. If the district meets all of the resource standards, a team will conduct an on-site visit which will focus on the district's documentation of its compliance with the items on the Waiver Plan.

(D) The MSIP waiver is an annual waiver and may be renewed for five (5) consecutive years if—

1. The district continues to meet the "Accredited" level on the performance indicators;

2. Complies with all the items on the MSIP Waiver Plan; and

3. Verifies that it has reviewed its Comprehensive School Improvement Plan (CSIP) and submits any revisions to DESE.

(E) If a district fails to meet the above criteria, the district will be notified by December 1 that a review is scheduled for the following year (i.e., If, based upon 1999–2000 data, a district is no longer qualified for an MSIP waiver, DESE will notify the district by December 1, 2000, that it is now scheduled for an MSIP review during the 2001–2002 school year). No other waiver can be used during that time period.

(2) Hold Harmless Districts.

(A) A district that meets the financial qualifications identified in section 163.031.5(3), RSMo will be granted waivers as long as the district qualifies for a waiver of the MSIP On-Site Review.

(3) A+ High School.

(A) The designation as an A+ high school is granted for one (1) year in compliance with the A+ rule and section 160.545, RSMo. A high school will qualify for a waiver of the MSIP On-Site Review if—

1. It is currently designated as A+;

2. Agrees to administer the MSIP Advance Questionnaire; and

3. Completes an annual A+ Waiver Plan which confirms the district's adherence to the specific laws and rules referred to in that plan.

(B) The A+ Waiver Plan is valid until June 30 of the year in which the high school is no longer designated as A+.

(4) Exemplary School.

(A) A school building that meets the following student performance criteria will be

designated as Exemplary in compliance with section 160.518, RSMo, and will be granted waivers when the school meets the following:

1. The school has at least fifty percent (50%) of its students in the Proficient and Advanced levels, combined, on the MAP and Reading Performance Indicators and has no more than twenty percent (20%) of its students in the Step I and Progressing levels of the MAP, combined;

2. Schools having twenty (20) or more students in any identified ethnic minority must demonstrate improvement in the minority population's achievement which is equal to or greater than the achievement of the non-minority population on the MAP. The following process will be used to judge this condition:

A. First, the three (3) MSIP grade spans will be examined to determine whether any grade span has twenty (20) or more students in any identified minority in each grade tested in that span for both the preceding and second preceding year;

B. Second, grade spans meeting the above condition will be examined to determine how many times the identified ethnic minority group equals or exceeds the improvement of the non-minority population on each test when comparing results from the second preceding to the preceding year on both the upper two (2) levels (Proficient and Advanced combined) and the bottom two (2) levels (Step I and Progressing combined) for each test in that grade span; and

C. Third, at least sixty-two percent (62%) positive comparisons between the two (2) groups are required to be acceptable;

3. The school meets all other MSIP Performance Indicators;

4. The school completes an annual MSIP Waiver Plan which confirms the district's adherence to the specific laws and rules referred to in the plan for all buildings within the district; and

5. The school agrees to administer the MSIP Advance Questionnaire.

(B) The building's exemplary designation will be valid until June 30 of the year in which the building is determined to not meet items in paragraphs (4)(A)1.–4.

(5) Application. A district which meets the performance criteria for any of the four (4) waivers will be so notified by the commissioner. The district must either accept or decline the waiver by December 1 of the second preceding year prior to the year the district is scheduled for an MSIP review except that a district qualifying for an A+ waiver must accept or decline the waiver by October 1 of the year of the scheduled MSIP review

(i.e., a waiver application for a scheduled 2001–2002 MSIP review must be filed by December 1, 1999).

(6) Missouri School Improvement Program Waiver Plan.

(A) School districts which meet certain student performance expectations may qualify for certain waivers related to the MSIP. The plan which is outlined below identifies the areas of MSIP which are eligible to be waived for qualifying districts.

1. All MSIP *Resource Standards and Indicators* will be waived except the following:

A. The state high school graduation requirements (MSIP 1.3);

B. Regular instruction in *United States and Missouri Constitutions*, as well as American History and Institutions, must be provided, and all students must pass at least a half unit of credit course in the institutions, branches, and functions of federal, state and local governments and in the electoral process, as required by section 170.011, RSMo (MSIP 1.3); and

C. All administrators and teachers must be certificated to teach in Missouri schools. “Appropriately certificated for their assignments” is waived under this provision, unless funding sources require specific certification. (MSIP 5.1).

2. All MSIP *Process Standards and Indicators* will be waived except the following:

A. Districts must have cross-referenced all curricular areas to the Show-Me Standards (MSIP 6.1A);

B. The district reports dropouts from school to the Missouri Literacy Hot Line (MSIP 8.1);

C. The district meets state and federal requirements for special education for students with disabilities, economically disadvantaged students, migratory children, students whose native or home language is other than English and homeless youth (MSIP 8.1B, C, D, E, F);

D. The district complies with all the regulations of the state and federal categorical programs in which the district participates (MSIP 8.3 and 8.7);

E. The district distributes a student code of conduct and provides a protected, orderly environment (MSIP 9.1C);

F. Professional development programs and services are provided as required by sections 168.400 and 160.530, RSMo (MSIP 12.1A);

G. Board of Education members must be trained as prescribed by section 162.203, RSMo (MSIP 13.2B);

H. The district complies with the salary compliance requirements of section 165.016, RSMo and with the minimum salary requirements as defined in section 163.172, RSMo. (MSIP 13.2.B, 13.3C) Does not apply to “hold harmless” districts;

I. The district implements effective and efficient fiscal management systems that ensure accountability of district funds, and is not identified as a “financially stressed district” (MSIP 13.4A, B);

J. The district annually reviews its Comprehensive School Improvement Plan and updates it if necessary (MSIP 13.1C);

K. The district provides a safe physical environment for students (MSIP 14.2);

L. The district implements effective and efficient fiscal management systems that ensure accountability of district funds (MSIP 13.4A, B);

M. Cumulative health records, including immunizations as required by state law, are maintained and regularly updated for all students (MSIP 15.1); and

N. The district complies with all laws related to the transportation of students (MSIP 15.3).

3. No MSIP Performance Standards will be waived.

*AUTHORITY: sections 160.518 and 160.545, RSMo 1994, and 161.210, and 163.031.5(3), RSMo Supp. 1998.\* Original rule filed Sept. 30, 1999, effective March 30, 2000.*

*\*Original authority: 160.518, RSMo 1993; 160.545, RSMo 1993; 161.210, RSMo 1996; and 163.031, RSMo 1963, amended 1965, 1967, 1969, 1975, 1976, 1977, 1982, 1984, 1985, 1986, 1993, 1996, 1997, 1998.*

### 5 CSR 30-345.030 Metropolitan School District Retired Teacher Program

*PURPOSE: This rule outlines the criteria for application by a metropolitan school district to the Department of Elementary and Secondary Education for waivers to allow qualified retired teachers to teach in the metropolitan school district pursuant to section 105.269, RSMo Supp. 1999.*

(1) As used in this rule, unless specifically provided otherwise, the following terms shall be defined as follows:

(A) Metropolitan school district—any school district the boundaries of which are coterminous with the limits of any city which is not within a county; and

(B) Retired teacher—any retired teacher who taught in any metropolitan school district and who receives retirement benefits

from the St. Louis Public Schools Retirement System.

(2) Any metropolitan school district may apply to the Department of Elementary and Secondary Education (DESE) for waivers to allow retired teachers to teach in the metropolitan school district if the district has—

(A) Individuals working in a metropolitan school district who are employed by the state of Missouri and who participate in a volunteer tutoring program as authorized pursuant to section 105.268, RSMo Supp. 1999; and

(B) At least a five percent (5%) shortage of certified teachers to be determined by the metropolitan school district no later than August 1 of the school year in which a retired teacher as defined in this rule may be employed to teach.

(3) For the purpose of this rule, a position must be vacant as of August 1 prior to the beginning of the school year in order to be considered in the calculation of the teacher shortage.

(4) A retired teacher as defined in this rule may teach up to two (2) years in the metropolitan school district without losing his or her retirement benefits.

(5) The metropolitan school district shall place emphasis on hiring retired teachers to teach in areas that include, but are not limited to, reading improvement, which may include elementary remedial reading and the “Read to be Ready Program,” math, science, and special education.

*AUTHORITY: section 105.269, RSMo Supp. 1999.\* Original rule filed Sept. 30, 1999, effective March 30, 2000.*

*\*Original authority 105.269, RSMo 1999.*