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**Rules of**  
**Department of Elementary and**  
**Secondary Education**  
**Division 20—Division of Learning Services**  
**Chapter 100—Office of Quality Schools**

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

**Division 20—Division of Learning Services  
Chapter 100—Office of Quality Schools**

**5 CSR 20-100.105 Missouri School  
Improvement Program-5**

*PURPOSE: This rule implements an accountability system for Missouri public school districts and is designed to stimulate and encourage improvement in student performance. An assessment of school districts' educational outcomes will enable the State Board of Education to classify districts as required by state law.*

(1) Pursuant to section 161.092, RSMo, this rule is to be effective two (2) years from the date of adoption of the proposed rule by the State Board of Education (board). The *Missouri School Improvement Program (MSIP)-5 Performance Standards and Indicators*, Appendix A, included herein, is comprised of quantitative standards for school districts. *MSIP-5 Process Standards and Indicators* will include evidence of adequate instruction in physical education and fine arts to be included in standards used to determine classification.

(2) School district performance will be reviewed annually by the Department of Elementary and Secondary Education (department) in accordance with this rule, including the standards, using the appropriate scoring guide, forms, and procedures outlined by the department. Review of these data will guide the department in determining school districts in need of improvement as well as the appropriate level of intervention necessary for significant and sustained improvement in student achievement and in determining high performing school districts that may serve as models of excellence. Decisions will be made using multiple years of data.

(3) The board will assign classification designations of unaccredited, provisionally accredited, accredited, and accredited with distinction based on the standards of the MSIP.

(4) As a condition of receiving a classification designation other than unaccredited, each school district reviewed under the MSIP must maintain a current school improvement plan in a format approved by the department. Districts identified through the MSIP as needing improvement must submit a school improvement plan for approval by the department.

(5) A school district's classification designation based on the standards of the MSIP will remain in effect until the board approves another designation. The board may consider changing a district's classification designation upon its determination that the district has—

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

(B) Demonstrated significant change in student performance over multiple years;

(C) Employed a superintendent or chief executive officer without a valid Missouri superintendent's certificate in a K-12 school district, or employed a superintendent or chief executive officer without a valid Missouri superintendent's or elementary principal's certificate in a K-8 school district;

(D) Experienced significant change in the scope or effectiveness of the programs, services, or financial integrity upon which the original classification designation was based; and/or

(E) Failed to comply with a statutory requirement.

(6) The board of education of any school district which is dissatisfied with the classification designation assigned by the board shall request reconsideration within sixty (60) calendar days of notice received of the original classification. The request for reconsideration shall be submitted to the commissioner of education and state the specific basis for reconsideration, including any errors of fact cited to support reconsideration. Review by the board shall be scheduled within sixty (60) calendar days of receipt of the request for reconsideration and shall be based upon the materials submitted with the original classification, the request for reconsideration, and any materials offered by the commissioner of education or requested by the board.



APPENDIX A  
Missouri School Improvement Program  
MSIP-5 Performance Standards and Indicators

**PERFORMANCE STANDARDS FOR K-12 DISTRICTS**

**1. Academic Achievement—The district administers assessments required by the Missouri Assessment Program (MAP) to measure academic achievement and demonstrates improvement in the performance of its students over time.**

1. Student performance on assessments required by the MAP meets or exceeds the state standard or demonstrates improvement in performance over time.
2. The percent of students tested on each required MAP assessment meets or exceeds the state standard.
3. Growth data indicate that students meet or exceed growth expectations.

**2. Subgroup Achievement—The district demonstrates required improvement in student performance for its subgroups.**

1. The performance of students identified on each assessment in identified subgroups, including free/reduced price lunch, racial/ethnic background, English language learners, and students with disabilities, meets or exceeds the state standard or demonstrates required improvement.

**3. College and Career Readiness—The district provides adequate post-secondary preparation for all students.**

1. The percent of graduates who scored at or above the state standard on any department-approved measure(s) of college and career readiness, for example, the ACT<sup>®</sup>, SAT<sup>®</sup>, COMPASS<sup>®</sup> or Armed Services Vocational Aptitude Battery (ASVAB), meets or exceeds the state standard or demonstrates required improvement.
2. The district's average composite score(s) on any department-approved measure(s) of college and career readiness, for example, the ACT<sup>®</sup>, SAT<sup>®</sup>, COMPASS<sup>®</sup>, or ASVAB, meet(s) or exceed(s) the state standard or demonstrate(s) required improvement.
3. The percent of graduates who participated in any department-approved measure(s) of college and career readiness, for example, the ACT<sup>®</sup>, SAT<sup>®</sup>, COMPASS<sup>®</sup>, or ASVAB, meets or exceeds the state standard or demonstrates required improvement.
4. The percent of graduates who earned a qualifying score on an Advanced Placement (AP), International Baccalaureate (IB), or Technical Skills Attainment (TSA) assessments and/or receive college credit through early college, dual enrollment, or approved dual credit courses meets or exceeds the state standard or demonstrates required improvement.
5. The percent of graduates who attend post-secondary education/training or are in the military within six (6) months of graduating meets the state standard or demonstrates required improvement.
6. The percent of graduates who complete career education programs approved by the department and are placed in occupations directly related to their training, continue their education, or are in the military within six (6) months of graduating meets the state standard or demonstrates required improvement.

**4. Attendance Rate—The district ensures all students regularly attend school.**

1. The percent of students who regularly attend school meets or exceeds the state standard or demonstrates required improvement.

**5. Graduation Rate—The district ensures all students successfully complete high school.**

1. The percent of students who complete an educational program that meets the graduation requirements as established by the board meets or exceeds the state standard or demonstrates required improvement.

**PERFORMANCE STANDARDS FOR K-8 DISTRICTS**

**1. Academic Achievement—The district administers assessments required by the MAP to measure academic achievement and demonstrates improvement in the performance of its students over time.**

1. Student performance on assessments required by the MAP meets or exceeds the state standard or demonstrates improvement in performance over time.
2. The percent of students tested on each required MAP assessment meets or exceeds the state standard.
3. Growth data indicate that students meet or exceed growth expectations.

**2. Subgroup Achievement—The district demonstrates required improvement in student performance for its subgroups.**

1. The performance of students identified on each assessment in identified subgroups, including free/reduced price lunch, racial/ethnic background, English language learners, and students with disabilities, meets or exceeds the state standard or demonstrates required improvement.



**3. High School Readiness—The district provides adequate post-elementary preparation for all students.**

1. The percent of students who earn a proficient score on one (1) or more of the high school end-of-course (EOC) assessments while in elementary school meets or exceeds the state standard or demonstrates required improvement.

**4. Attendance Rate—The district ensures all students regularly attend school.**

1. The percent of students who regularly attend school meets or exceeds the state standard or demonstrates required improvement.



*AUTHORITY: sections 160.514, 160.526, and 167.131, RSMo 2000, and sections 160.518, 161.092, 162.081, and 168.081, RSMo Supp. 2011.\* Original rule filed Aug. 18, 2011, effective March 30, 2012.*

*\*Original authority: 160.514, RSMo 1993; 160.518, RSMo 1993, amended 2001, 2002, 2004, 2008; 160.526, RSMo 1993, amended 1998; 161.092, RSMo 1963, amended 1973, 2002, 2003; 162.081, RSMo 1963, amended 1973, 1992, 1993, 1998, 2005; 167.131, RSMo 1963, amended 1973, 1993; and 168.081, RSMo 1963, amended 1984, 2002.*

**5 CSR 20-100.110 Programs for Gifted Children**

*PURPOSE: The Department of Elementary and Secondary Education has the responsibility under section 162.720, RSMo to approve applications for special programs for gifted students. This rule establishes the standards for program approval and administrative procedures for the programs.*

*PUBLISHER’S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) For the purposes of special programs for gifted students the programs shall be designed in the academic area, the fine arts, or both.

(2) Annually, the Department of Elementary and Secondary Education (DESE) solicits applications from eligible elementary and secondary school districts which shall be due as of a date and in a form established by DESE. Anyone interested in receiving a copy of the 2006–2007 General Administrative Procedures for Gifted Programs (August 2006), which is incorporated by reference and made a part of this rule, as published by DESE, may contact the Gifted Education Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480 or by downloading a copy from the Internet. This rule does not incorporate any subsequent amendments or additions.

(3) Approved applications must demonstrate that the applicant has:

(A) Established a systematic process for identification and selection of gifted students.

This process shall use multiple criteria for identification and selection such as, but not limited to, objective measures and competent professional evaluation; and

(B) Listed each individual instructional staff position and for each position, the amount of time which will be spent in the gifted program, the number of gifted students to be served and the delivery system to be used.

(4) For approved programs, districts shall maintain on file in the district:

(A) The project goals and learner objectives which should be achieved by gifted students participating in the program;

(B) The program activities of the project which shall be beyond the level normally provided in regular school programs and which contribute particularly to meeting the identified unmet needs of gifted students; and

(C) The results of an annual evaluation used to determine the effectiveness of the project as a whole and the project’s impact upon participating students.

(5) Instructional personnel in the program for gifted students shall possess the appropriate certification for the gifted program service they are providing.

(6) Instructional positions and assignments approved in a gifted application shall be reported to DESE on the annual core data reports.

*AUTHORITY: sections 162.720, RSMo 2000 and 161.092 and 162.675, RSMo Supp. 2006.\* This rule was previously filed as 5 CSR 70-742.120 and 5 CSR 50-200.010. Original rule filed May 20, 1974, effective May 30, 1974. Amended: Filed Dec. 24, 1975, effective Jan. 3, 1976. Amended: Filed Nov. 7, 1977, effective March 1, 1978. Rescinded and readopted: Filed March 7, 1979, effective July 14, 1979. Amended: Filed Aug. 21, 1980, effective Dec. 15, 1980. Amended: Filed Feb. 26, 1991, effective Aug. 30, 1991. Rescinded and readopted: Filed Jan. 31, 1994, effective July 10, 1994. Amended: Filed Sept. 20, 2006, effective May 30, 2007. Moved to 5 CSR 20-100.110, effective Aug. 16, 2011.*

*\*Original authority: 161.092, RSMo 1963, amended 1973, 2002, 2003; 162.675, RSMo 1973, amended 1974, 1977, 2002, 2005; and 162.720, RSMo 1973, amended 1974.*

**5 CSR 20-100.120 Advanced Placement, Dual Credit Course, and International Baccalaureate Fee Payment Programs**

*PURPOSE: The Department of Elementary and Secondary Education has the responsibility*

*to disburse funds appropriated by the General Assembly for payments to defray a portion of the costs of Advanced Placement (AP) exam fees, Dual Credit Course fees, and International Baccalaureate (IB) fees. The department is also authorized to receive a grant award through the Federal Advanced Placement Fee Payment Program to approve requests for the purpose of defraying the cost of Advanced Placement (AP) exam fees for low-income students. This rule establishes the administrative procedures to approve requests for payments to pay a portion of the costs of AP exam fees, Dual Credit Course fees and IB fees for students enrolled in these programs.*

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

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

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

(2) Missouri Fee Payment Program.

(A) For the purpose of payments of AP exam fees, and/or Dual Credit Course fees, and/or International Baccalaureate (IB) fees through the Missouri Fee Payment Program, eligible students must be enrolled in an approved course, plan to take the appropriate exam and have either scored proficient or advanced on the same content area section of the Missouri Assessment Program (MAP) test.

(B) Upon disbursement of funds, students will be expected to take the AP and IB exams or complete the Dual Credit Course on the prescribed dates and in conjunction with the other rules and regulations governing the test administration or course requirements and must have applied for any other applicable fee reductions in these respective programs.

(3) Applications.

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

(B) The department shall establish a systematic process for identification and reporting the names of students eligible for aid to pay a portion of the cost of AP exam fees,



and/or Dual Credit Course fees, and/or IB fees; and an evaluation used to determine the effectiveness of the program as a whole and the program's impact upon participating students.

*AUTHORITY:* sections 161.092 and 178.430, RSMo 1994.\* This rule previously filed as 5 CSR 50-200.050. Emergency rule filed June 17, 1998, effective June 28, 1998, terminated July 24, 1998. Original rule filed June 17, 1998, effective Dec. 30, 1998. Moved to 5 CSR 20-100.120, effective Aug. 16, 2011.

\*Original authority: 161.092, RSMo 1963, amended 1973 and 178.430, RSMo 1963.

### 5 CSR 20-100.130 General Provisions Governing the Consolidated Grants Under the Improving America's Schools Act

*PURPOSE:* The Department of Elementary and Secondary Education (DESE) has the authority to receive and expend federal funds for educational programs and to establish rules and regulations for the administration of the programs in accordance with controlling federal statutes and regulations. This rule sets forth the general provisions governing programs operated by local educational agencies (LEAs) under Title I, Title II, Title IV, Title VI, and Migrant Education under the Improving America's Schools Act (IASA).

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

This rule incorporates by reference the regulations for the program as published in the state *Administrative Manual for the Consolidated Federal Programs*. This manual incorporates all federal regulations and statutory requirements.

*AUTHORITY:* section 178.430, RSMo 1994.\* This rule previously filed as 5 CSR 50-321.010. Original rule filed April 29, 1997, effective Nov. 30, 1997. Amended: April 21, 1999, effective Nov. 30, 1999. Moved to 5 CSR 20-100.130, effective Aug. 16, 2011.

\*Original authority 1963.

### 5 CSR 20-100.140 General Provisions Governing the Consolidated Grants for the Federal and State Discretionary Programs

*PURPOSE:* The Department of Elementary and Secondary Education has the responsibility to disburse funds under a variety of discretionary programs. Funds support a variety of purposes including local reform, homeless children and youth, family literacy, language assistance, and immigrant children.

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

(1) The *Administrative Manual for Federal and State Discretionary Programs* is incorporated by reference and made a part of this rule.

*AUTHORITY:* section 178.480, RSMo 1994.\* This rule previously filed as 5 CSR 50-321.020. Original rule filed March 22, 1999, effective Sept. 30, 1999. Moved to 5 CSR 20-100.140, effective Aug. 16, 2011.

\*Original authority 178.480, RSMo 1963.

### 5 CSR 20-100.160 Policies and Standards for Summer School Programs

*PURPOSE:* This rule establishes policies and standards for public school districts and charter schools which choose to conduct summer school programs that will qualify for state aid in accordance with Chapter 163, RSMo.

(1) Summer school programs may be held any time between the close of the regular school term and the beginning of the next regular term and must be approved by the local school board. School districts with a "year-round" regular term schedule may conduct an approved component of summer school during the breaks in the regular term. A summer school program shall consist of a planned schedule of course offerings for resident students at the elementary or high school level. An approved summer school program for students without disabilities must be in session for at least one hundred twenty (120) clock hours. Summer school programs for students with disabilities must be in session for at least sixty (60) clock hours depending upon the hours needed to comply with the Individualized Education Program (IEP).

(2) A school board may authorize the operation of summer school programs at the elementary or high school level, or both. Each approved summer school program shall have at least the required minimum clock hours of instruction. An elementary summer school program may include any combination of grades kindergarten through eight (K-8). A high school summer school program may include any combination of grades seven through twelve (7-12). A school district or charter school may operate one (1) or more summer school programs at any level. Each summer school program that is operated separately with different opening and closing dates must meet the minimum clock hours of instruction requirements. A variety of classes may be offered at either the elementary or secondary level which meet state guidelines and whose total hours of instruction equal at least one hundred twenty (120) clock hours. A second method of meeting the clock hour requirement is to offer a variety of classes at the elementary and secondary level whose combined hours total at least one hundred twenty (120). This method is commonly referred to as "stacking." Under the "stacking" method, typically sixty (60) hours of instruction are offered at the elementary level with sixty (60) hours of instruction offered at the secondary level for a combined total of one hundred twenty (120) clock hours. The clock hours of regular summer school classes may be combined with the clock hours of special education extended school year programs to reach the one hundred twenty (120)-clock hour requirement. No individual course or segment of an approved summer school program, other than special education programs, may consist of less than thirty (30) clock hours of classroom instruction. Minimum time requirements exclude break time and lunch time. School districts with "year-round" regular term schedules may include instructional hours offered in a structured summer school program held during breaks in the regular term.

(A) Examples of acceptable combinations are as follows:

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

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

3. Thirty (30) hours in grades kindergarten through six (K-6) plus thirty (30)



hours in grades seven through eight (7–8) plus sixty (60) hours in grades nine through twelve (9–12) in an approved summer school; or

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

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

(3) The curriculum in an approved summer school program at any level must include one (1) or more of the following academic areas as the major portion of the clock hours of instruction in the program: elementary school—language arts, mathematics, science, social studies; and high school—language arts, mathematics, science, social studies, practical arts.

(A) Any course which may be offered in the regular school term may be approved as part of the summer school with the exception of physical education hours that do not count as credit toward graduation for students in grades nine (9), ten (10), eleven (11) and twelve (12). Special approval must be requested for summer school courses that would require special approval during the regular term.

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

(C) Activities such as gymnastics, weight lifting, tennis and swimming lessons conducted under the sponsorship of the school cannot be included as part of the approved summer school program unless they are an integral part of a comprehensive physical education course which is part of the scheduled clock hours of instruction in the approved summer school program.

(D) Activities such as recreation programs, athletic practices, isolated music rehearsals and isolated band practices may be offered by the school but shall not be included as part of the clock hours of instruction in an approved summer school program and shall not be

counted for summer school membership and attendance for state aid purposes.

(4) The attendance of resident students between the ages of six and twenty (6–20) in grades one through twelve (1–12) and students who are eligible to attend kindergarten the next fall (must be five (5) before the first day of August of the school year beginning in that calendar year) may be counted for summer school state aid purposes in accordance with Chapter 163, RSMo.

(5) Some high school courses may be offered for credit and some courses for no credit in an approved summer school program. High school students may earn one-half (1/2) unit of high school credit for laboratory courses which meet at least seventy-five (75) clock hours and one-half (1/2) unit of high school credit for other courses which meet for sixty to seventy-five (60–75) clock hours. One-fourth (1/4) unit of high school credit may be granted for driver education classes which provide thirty (30) clock hours of classroom instruction, six (6) clock hours behind the wheel and twelve (12) clock hours as an observer in a driver education car. Minimum time requirements exclude any break time and lunch time.

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

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

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

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

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

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

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

summer school programs will be visited and reviewed by DESE staff.

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

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

*AUTHORITY: sections 161.092(2), 163.011, 163.021(2) and 163.031, RSMo Supp. 2007 and sections 167.227 and 178.280, RSMo 2000.\* This rule previously filed as 5 CSR 50-340.050. Original rule filed May 14, 1971, effective May 24, 1971. Rescinded and readopted: Filed Nov. 15, 1977, effective Feb. 15, 1978. Amended: Filed Aug. 12, 1983, effective Dec. 12, 1983. Amended: Filed May 11, 1995, effective Dec. 30, 1995. Amended: Filed Jan. 16, 2008, effective Aug. 30, 2008. Moved to 5 CSR 20-100.160, effective Aug. 16, 2011.*

*\*Original authority: 161.092(2), RSMo 1963, amended 1973, 2002, 2003; 163.011, RSMo 1963, amended, 1967, 1973, 1977, 1982, 1985, 1986, 1988, 1992, 1993, 1996, 1997, 1998, 1999, 2001, 2002, 2005, 2006, 2007; 163.021(2), RSMo 1963, amended 1973, 1982, 1983, 1984, 1988, 1992, 1993, 1996, 1997, 1998, 2005, 2006; 163.031, RSMo 1963, amended 1965, 1967, 1969, 1975, 1976, 1977, 1982, 1984, 1985, 1986, 1993, 1996, 1997, 1998, 2000, 2004, 2005, 2006; 167.227, RSMo 1990; and 178.280, RSMo 1963, amended 1973, 1977.*

### 5 CSR 20-100.170 Missouri School Improvement Program

*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 state law.*

*PUBLISHER’S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*



(1) This rule is to be effective July 1, 2006, and incorporated by reference and made a part of this rule the *Missouri School Improvement Program (MSIP) Standards and Indicators Manual* which is comprised of qualitative and quantitative standards for school districts. As referenced in the *MSIP Standards and Indicators Manual*, 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. Anyone interested in viewing or requesting a copy of the MSIP Manual (Revised September 2004) may contact the School Improvement and Accreditation Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480.

(2) During each year, the Department of Elementary and Secondary Education (DESE) will select school districts which will be reviewed and classified in accordance with this rule, including the standards, with the appropriate scoring guide and forms and procedures outlined in the annual MSIP.

(3) The State Board of Education (board) will assign classification designations of unaccredited, provisionally accredited and accredited based on the standards of the MSIP.

(4) As a condition of receiving a classification designation other than unaccredited, each school district reviewed under MSIP must file, within sixty (60) days of the board's decision, a school improvement plan in a form specified by DESE and implement it in accordance with a specified schedule approved by DESE.

(5) A school district's classification designation based on the standards of the MSIP will remain in effect until the board approves another designation. The board may consider changing a district's classification designation after its regularly scheduled review or upon its 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;

(C) Employed a superintendent or chief executive officer without a valid Missouri superintendent's certificate in a K-12 school district; or employed a superintendent or chief executive officer without a valid Missouri superintendent's or elementary

principal's certificate in a K-8 school district; and/or

(D) Altered significantly the scope or effectiveness of the programs, services or financial integrity upon which the original classification designation was based.

(6) A school district designated unaccredited by the board under the provisions of this rule will be liable for tuition and transportation for resident students legally transferring to another district pursuant to applicable state laws and regulations from the date of the action by the board through the end of the school year during which the board awards the district a designation of provisionally accredited or higher.

(7) Any school district which on June 30, 1997, or thereafter, has been classified unaccredited by the board in two (2) successive years will be subject to lapsing, pursuant to applicable state laws and regulations. A school district that is classified as unaccredited shall lapse on June 30 of the second full year after the school year during which the unaccredited classification is initially assigned.

(8) A school district designated provisionally accredited twice sequentially or a school district designated provisionally accredited after being unaccredited will be designated provisionally accredited for three (3) years, at which time a re-review will be conducted. A district's accreditation designation may not be raised more than one (1) level during a re-review.

(A) The board may lower a district's accreditation if a district fails to gain full accreditation after being designated provisionally accredited twice sequentially; or after being designated provisionally accredited after being unaccredited and the district fails to make significant or consistent improvement in student achievement in order to gain accreditation.

(9) The board of education of any school district which is dissatisfied with the classification designation assigned by the board 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 within thirty (30) days of the board's classification designation, setting forth the specific reasons for the request, including any errors of fact upon which the board relied in making the classification designation. If the commissioner of education agrees that sufficient cause has been shown, s/he will request the board to reconsider the

district's classification designation together with the additional or corrected information.

*AUTHORITY: sections 161.092 and 168.081, RSMo Supp. 2003 and 162.081 and 167.131, RSMo 2000.\* This rule previously filed as 5 CSR 50-345.100. Original rule filed June 30, 2004, effective Jan. 30, 2005. Moved to 5 CSR 20-100.170, effective Aug. 16, 2011.*

*\*Original authority: 161.092, RSMo 1963, amended 1973, 2002, 2003; 168.081, RSMo 1963, amended 1984, 2002; 162.081, RSMo 1963, amended 1973, 1992, 1993, 1998; 167.131, RSMo 1963, amended 1973, 1993.*

### 5 CSR 20-100.180 Waivers 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 applicable state law and regulations. The student performance data will be reviewed, and the commissioner of education will notify districts if they are eligible for a waiver. Districts may respond to this notification by either accepting or rejecting such waiver.*

(1) This rule contains four (4) types of Department of Elementary and Secondary Education (DESE) waivers of regulations which may be granted to schools or school districts: School District Missouri School Improvement Program (MSIP) Waiver, A+ High School MSIP Waiver, Outstanding School MSIP Waiver, and Other Waiver. This rule is to be effective July 1, 2006. Districts or schools qualifying for these waivers are exempt from the MSIP on-site review process and MSIP Resource and Process Standards and Indicators not listed in the Waiver Checklist. The area supervisor will visit districts or schools that qualify for an MSIP Waiver to verify compliance with the Standards and Indicators listed in the Waiver Checklist.

(A) School District MSIP Waiver.

1. Qualifications include:

A. The district achieved accreditation in the most recent MSIP review and is accredited at the highest level as defined by MSIP and has no Missouri Assessment Program (MAP) scores at or below the established floor based upon the two (2) latest DESE generated Annual Performance Reports (APR); and

B. The district is in compliance with all Resource and Process Standards and Indicators listed in the Waiver Checklist.

2. If a district fails to meet the waiver criteria or the district no longer complies with the specific laws and rules referred to in the Waiver Checklist, the district will be scheduled for an on-site review.





(B) A+ High School MSIP Waiver.

1. Schools may qualify for an MSIP waiver when the district does not, if the school meets the following qualifications:

A. The school is currently designated as A+;

B. The school agrees to administer the MSIP Advance Questionnaire;

C. The school is in compliance with all Resource and Process Standards and Indicators listed in the Waiver Checklist; and

D. The school is not designated a Priority School.

(C) Outstanding School MSIP Waiver.

1. Schools may qualify for an MSIP waiver when the district does not, if the school meets the following qualifications:

A. The school meets at least one (1) more than half of the possible MAP scoring options at a high level for three (3) successive years;

B. The school meets at least one (1) more than half of all other MSIP performance indicators at a high level for three (3) successive years;

C. The school has no MAP scores at or below the established floor;

D. The school is not designated a Priority School.

2. The school's Outstanding School designation will be valid until June 30 of the year in which the school is determined to not meet items listed above.

(D) Other Waiver.

1. Districts that meet the financial qualifications identified in state law may receive a waiver of rules in order to promote flexibility in the operations of the delivery of instructional services.

(2) Waiver Checklist.

(A) School districts or schools which meet the waiver criteria outlined in subsection (1) (A) must meet all of the Resource and Process Standards and Indicators outlined in the Waiver Checklist below in order to qualify for a waiver related to MSIP.

1. The following MSIP *Resource Standards and Indicators* will not be waived:

A. The state high school graduation requirements;

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 state law; and

C. All administrators and teachers must be appropriately certificated to teach in Missouri public schools.

2. The following MSIP *Process Standards and Indicators* will not be waived:

A. The district must have cross-referenced all curricular areas to the Show-Me Standards;

B. The district reports school dropouts to the Missouri Literacy Hot Line;

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

D. The district complies with all regulations of the state and federal categorical programs in which the district participates;

E. The district distributes a student code of conduct and provides a protected, orderly environment;

F. The district provides professional development programs and services as required by state law;

G. Board of education members must be trained as prescribed by state law;

H. The district meets the salary compliance and the minimum salary requirements as defined in state law. This does not apply to "hold harmless" districts;

I. The district's community, through the board of education, provides sufficient financial resources and the district is not identified as a "financially stressed district";

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

K. The district provides a safe physical environment for students;

L. The district implements effective and efficient fiscal management systems that ensure accountability of district funds;

M. The district maintains and regularly updates cumulative health records for all students, including immunizations as required by state law; and/or

N. The district complies with all laws related to the transportation of students.

3. No MSIP Performance Standards will be waived.

4. No Priority Schools will be waived.

5. No Financially Stressed districts will be waived.

(3) A district or school which meets the performance criteria for any of the above four (4) waivers will be so notified by the commissioner of education. The district must either accept or decline the waiver within four (4) weeks after notification; except those districts which qualify for the A+ High School MSIP Waiver, which must accept or decline that waiver by October 1 of the year of the scheduled MSIP review.

*AUTHORITY: sections 160.518, 160.545 and 161.092, RSMo Supp. 2003 and 161.210 and 163.031, RSMo 2000.\* This rule previously filed as 5 CSR 50-345.200. Original rule filed June 30, 2004, effective Jan. 30, 2005. Moved to 5 CSR 20-100.180, effective Aug. 16, 2011.*

*\*Original authority: 160.518, RSMo 1993, amended 2001, 2002, 2004; 160.545, RSMo 1993, amended 2002; 161.092, RSMo 1963, amended 1973, 2002, 2003; 161.210, RSMo 1996; 163.031, RSMo 1963, amended 1965, 1965, 1967, 1967, 1969, 1975, 1976, 1977, 1982, 1982, 1984, 1985, 1986, 1993, 1996, 1997, 1998, 2000, 2004.*

**5 CSR 20-100.190 Graduation Requirements for Students in Public High Schools**

*PURPOSE: This rule establishes minimum graduation requirements for public school districts.*

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

Subject Area	Units of Credit
Communication Arts	4.0
Social Studies	3.0
Mathematics	3.0
Science	3.0
Fine Art	1.0
Practical Arts	1.0
Physical Education	1.0
Health Education	.5
Personal Finance	.5*
Electives	7.0
<b>Total Credits</b>	<b>24.0</b>

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

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



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

(4) **Local Board Policies.** Local boards of education must adopt and disseminate written policies concerning graduation. The policies must clearly set forth all requirements and all allowable variations. Local graduation policies must include at least the state minimum requirements and may exceed the state minimums by requiring more total units of credit, requiring more units within a particular subject, or establishing additional requirements.

(5) **Accommodation of Students with Disabilities.** Local school boards must establish policies and guidelines that ensure students with disabilities have the opportunity to earn credits toward graduation in a nondiscriminatory environment.

(6) **Variations and Substitutions.** The state minimum graduation requirements cannot be applied with absolute uniformity in every case. Students' individual situations sometimes require consideration of variances and alternatives. If a local board chooses to allow these variances and alternatives, it must do so through officially adopted policies and through procedures that will ensure fair and consistent application of its policies.

*AUTHORITY: section 161.092, RSMo Supp. 2004.\* This rule previously filed as 5 CSR 50-345.300. Original rule filed June 30, 2005, effective Jan. 30, 2006. Moved to 5 CSR 20-100.190, effective Aug. 16, 2011.*

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

### 5 CSR 20-100.200 A+ Schools Program

*PURPOSE: This rule establishes minimum requirements for the administration of the A+ Schools Program.*

(1) The Department of Elementary and Secondary Education (department) Office of Quality Schools (QS) is authorized to estab-

lish procedures for the implementation of the A+ Schools Program including:

(A) Public school district participation; and

(B) Initial and continued designation as an A+ school.

(2) To participate in the A+ Schools Program, the chief administrator and school board of a public school district with secondary schools must—

(A) Demonstrate a commitment to the established program goals. These goals are to ensure that all students:

1. Graduate from high school;
2. Complete a selection of high school studies that is challenging and has identified learning expectations; and

3. Proceed from high school graduation to a community college, postsecondary career-technical school, or high wage job with work place skill development opportunities;

(B) Provide assurance that the district will:

1. Establish measurable district-wide performance standards for the program;

2. Specify the knowledge, skills, and competencies in measurable terms, that students must demonstrate to successfully complete any individual course offered by the school, and any course of studies which will qualify students for graduation from the school;

3. Establish student performance standards, that lead to or qualify students for graduation, and meet or exceed the performance standards adopted by the State Board of Education (board);

4. Require rigorous coursework with standards of competency in basic academic subjects for students pursuing career-technical education or employment; and

5. Develop a partnership plan in cooperation and with the advice of local business persons, labor leaders, teachers, senior citizens, parents, and representatives of colleges and postsecondary career-technical schools, with the plan then approved by the local board of education. The plan shall specify:

A. A mechanism to receive updated information on an annual basis from those who developed the plan in order to best meet the goals of the program;

B. Procedures used in the school to identify students that may drop out of school and the intervention services to be used to meet the needs of such students;

C. Counseling and mentoring services provided to students who will enter the work force upon graduation from high school, address apprenticeship, and intern programs; and

D. Procedures for the recruitment of volunteers from the community to serve in the school;

(C) Designate a certificated employee to serve as the A+ Schools Program coordinator;

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

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

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

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

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

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

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

2. Implement and annually update a partnership plan;

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

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

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

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

1. A listing of major objectives that include:

A. Curricular and instructional change;

B. Lower drop-out rates;

C. Student mastery of measurable learning expectations;

D. Successful transition from high school to continued education or employment;

E. A description of the process of the identification of and planned services for



students considered to be at risk of educational failure and dropping out of school;

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

(I) Annualized high school drop-out rate;

(II) Graduation rate;

(III) Number of students enrolled by grade level, kindergarten through grade twelve (K-12);

(IV) Number of high school graduates continuing their education at four- (4-) year colleges and universities, community colleges, or career-technical schools. This data shall be recorded separately by category of institution;

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

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

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

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

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

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

(A) Accomplish at least the following requirements:

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

2. Demonstrate that developmental activities have taken place within the district or high school to specify the knowledge, skills/competencies, and mastery in measurable terms, that students must demonstrate to successfully complete all of the individual courses offered by the school, and in any course of studies which will qualify students for graduation from high school;

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

ment or postsecondary studies;

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

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

A. Business person(s);

B. Labor leaders;

C. Parents;

D. Community college and postsecondary career-technical schools;

E. Senior citizens;

F. Teachers; and

G. Students;

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

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

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

(6) Public high schools may be designated by the board as A+ Schools when they demonstrate that they have:

(A) Made significant progress or attained the three (3) established program goals of the A+ Schools Program; and

(B) Met the established program requirements of the A+ Schools Program.

*AUTHORITY: sections 160.545 and 161.092, RSMo Supp. 2011.\* This rule was previously filed as 5 CSR 60-120.060 and 5 CSR 50-350.040. Original rule filed Nov. 10, 1993, effective June 6, 1994. Changed to 5 CSR 50-350.040 and amended: Filed Sept. 27, 2000, effective May 30, 2001. Amended: Filed Feb. 28, 2003, effective Sept. 30, 2003. Amended: Filed Nov. 28, 2006, effective June 30, 2007. Moved to 5 CSR 20-100.200, effective Aug. 16, 2011. Amended: Filed Feb. 28, 2012, effective Sept. 30, 2012.*

*\*Original authority: 160.545, RSMo 1993, amended 2002, 2008, 2009, 2010 and 161.092, RSMo 1963, amended 1973, 2002, 2003.*

**5 CSR 20-100.210 Persistently Dangerous Schools**

*PURPOSE: This rule will be used in Missouri*

*to establish state compliance with the federal requirement set forth in the No Child Left Behind Act of 2001, and to determine if any Missouri public elementary and secondary schools are "persistently dangerous."*

(1) The following definition(s) apply to this rule:

(A) Expulsions are defined as removal from school by local board action for an indefinite period of time unless the student is reinstated by the local board of education.

(B) A victim is a student who suffered a personal injury or injury to his or her property as a direct result of a violent criminal offense. The definition of victim does not include bystanders or witnesses to the act or friends or classmates of the victim unless they, too, suffered personal or property injury as a direct result of a violent criminal offense.

(2) A Missouri public elementary or secondary school is persistently dangerous if the following conditions exist:

(A) In each of three (3) consecutive years:

1. The school has a federal and/or state gun-free schools violation; or

2. A violent criminal offense as set forth below is committed on school property which includes but is not limited to school buses or school activities; and

(B) In any two (2) years within the three (3)-year period listed above, the school experienced expulsions by local board action, for drug, alcohol, weapons or violence that exceed one (1) of the following rates:

1. More than five (5) expulsions per year for a school of less than two hundred fifty (250) students;

2. More than ten (10) expulsions per year for a school of more than two hundred fifty (250) students but less than one thousand (1,000) students; or

3. More than fifteen (15) expulsions per year for a school of more than one thousand (1,000) students.

(3) A student shall be allowed to attend a safe public school within the district, if that student is enrolled in a persistently dangerous school as defined above or becomes a victim of a violent criminal offense while on school property which includes but is not limited to school buses or school activities.

(4) For the purpose of determining a persistently dangerous school, a "violent criminal offense" shall be any offense that would require school administrators to, as soon as reasonably practical, notify the appropriate law enforcement agency pursuant to section



160.261, RSMo. Violent criminal offenses shall be reported by the school district to the Department of Elementary and Secondary Education (DESE) through Core Data. Violent criminal offenses are as follows:

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

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

(C) Kidnapping under section 565.110, RSMo;

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

(E) Forcible Rape under section 566.030, RSMo;

(F) Forcible Sodomy under section 566.060, RSMo;

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

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

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

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

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

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

(M) Voluntary Manslaughter under section 565.023, RSMo;

(N) Involuntary Manslaughter under section 565.024, RSMo;

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

(P) Sexual Assault under section 566.040, RSMo;

(Q) Felonious Restraint under section 565.120, RSMo;

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

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

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

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

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

(W) Sexual Abuse under section 566.100, RSMo.

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

(A) Kidnapping under section 565.110, RSMo;

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

(C) Forcible Rape under section 566.030, RSMo;

(D) Forcible Sodomy under section 566.060, RSMo;

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

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

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

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

(I) Sexual Assault under section 566.040, RSMo;

(J) Felonious Restraint under section 565.120, RSMo;

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

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

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

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

(O) Sexual Abuse under section 566.100, RSMo.

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

(A) In any one (1) year:

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

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

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

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

2. More than ten (10) expulsions for schools of more than two hundred fifty (250) students, but less than one thousand (1,000) students; or

3. More than fifteen (15) expulsions per year for a school of more than one thousand (1,000) students.

*AUTHORITY: sections 160.261, RSMo Supp. 2001, 161.092, RSMo Supp. 2002 and 167.171, RSMo 2000.\* This rule previously filed Jan. 14, 2003, effective Aug. 30, 2003. Moved to 5 CSR 20-100.210, effective Aug. 16, 2011.*

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

### 5 CSR 20-100.220 Internet Filtering

*PURPOSE: This rule sets the Internet filtering standards for public schools.*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.*

(1) This rule is designed to restrict minors from gaining access to inappropriate material on the Internet. Public school districts should review and comply with the standards set forth in the Federal Children's Internet Protection Act (CIPA) and the Neighborhood Children's Internet Protection Act (NCIPA) which are incorporated by reference and made a part of this rule.

*AUTHORITY: sections 161.092 and 182.827, RSMo Supp. 2002.\* This rule previously filed as 5 CSR 50-380.020. Original rule filed Oct. 29, 2002, effective April 30, 2003. Moved to 5 CSR 20-100.220, effective Aug. 16, 2011.*

*\*Original authority: 161.092, RSMo 1963, amended 1973, 2002, 182.827, RSMo 2002.*

### 5 CSR 20-100.230 Virtual Instruction Program

*PURPOSE: This rule establishes policies and procedures for the Missouri Department of Elementary and Secondary Education to implement a public virtual school program to serve school-age students residing in the state, as authorized by section 161.670, RSMo.*

(1) General information. Missouri's Virtual Instruction Program (MoVIP) offers online courses to any kindergarten through grade



twelve (K-12) students residing in Missouri, subject to appropriations. All MoVIP teachers are Missouri certified in the subjects they teach. All courses offered through MoVIP are aligned with Missouri Show-Me Standards.

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

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

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

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

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

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

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

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

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

be treated the same as any other course offered by the district.

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

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

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

*AUTHORITY: sections 161.092, 161.670, 163.031 and 163.043, RSMo Supp. 2007.\* This rule previously filed as 5 CSR 50-500.010. Original rule filed Sept. 12, 2007, effective March 30, 2008. Moved to 5 CSR 20-100.230, effective Aug. 16, 2011.*

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

**5 CSR 20-100.250 Charter Schools**

*PURPOSE: This rule establishes policies and procedures for the Missouri Department of Elementary and Secondary Education to evaluate charter sponsors relating to the standards for sponsorship, as authorized by section 160.400.14., RSMo Supp. 2011.*

(1) Charter sponsorship and continued receipt of state funds to defray the expense of charter

sponsorship shall be based on the determination that a charter sponsor remains in good standing with the sponsorship obligations outlined in sections 160.400 to 160.420, RSMo, and section 167.349, RSMo.

(2) In determining good standing under this section, the Department of Elementary and Secondary Education (department) shall evaluate charter sponsor policies and practices in the following areas:

- (A) Charter application approval;
- (B) Required charter agreement terms and content;
- (C) Sponsor performance evaluation and compliance monitoring; and
- (D) Charter renewal, intervention, and revocation decisions.

(3) The charter sponsor's approval process shall include an application that provides sufficient information for a rigorous evaluation of the proposed charter and provides clear documentation of a quality education program; effective governance and management structures; and a sustainable operational plan.

(4) A charter approved by the charter sponsor shall include a description of the obligations and responsibilities of the charter school, as outlined in sections 160.400 to 160.420, RSMo, and section 167.349, RSMo, and provide for—

(A) An annual review of the charter school's compliance with statutory standards, including:

- 1. Participation in the statewide system of assessments, as designated by the State Board of Education (board) pursuant to section 160.518, RSMo;
- 2. Assurances for the completion and distribution of an annual report card as prescribed in section 160.522, RSMo;
- 3. The collection of baseline data during at least the first three (3) years of operation to determine the longitudinal success of the charter school;
- 4. A method to measure pupil progress toward the pupil academic standards adopted by the board pursuant to section 160.514, RSMo; and
- 5. Publication of each charter school's Annual Performance Report (APR);

(B) Procedures, consistent with the *Missouri Financial Accounting Manual*, for monitoring the financial accountability of the charter, which shall include:

- 1. An annual audit by a certified public accountant, published audit reports and annual financial reports as provided in Chapter 165, RSMo;



2. Compliance with all federal audit requirements established for charter schools with local education agency status; and

3. Compliance with the requirements of any audit by petition under section 29.230, RSMo, for a political subdivision of the state;

(C) Pre-opening requirements for applications that require that charter schools meet all health, safety, and other legal requirements prior to opening; and

(D) Procedures in place in the event of charter school closure, including:

1. The archival of student records;
2. The archival of business operations records;
3. Submission of final financial reports;
4. Resolution of any remaining financial obligations; and
5. The disposition of charter school assets.

(5) For charter schools that are recipients of a federal Charter School Program Grant, a determination that—

(A) Each authorized charter in the state operates under a legally binding charter or performance contract between itself and the school's authorized public chartering agency that describes the obligations and responsibilities of the school and the public chartering agency; conduct annual, timely, and independent audits of the school's financial statements that are filed with the sponsor; and demonstrate improved student academic achievement; and

(B) Sponsors use increases in student academic achievement for all groups of students, as described in section 1111(b)(2)(C)(v) of the Elementary and Secondary Education Act, as the most important factor when determining to renew or revoke a school's charter.

(6) Intervention, renewal, and revocation policies of the charter sponsor shall outline the conditions in which the charter sponsor may intervene in the operation of the charter school, along with actions and consequences that may ensue, and the conditions for renewal of the charter at the end of the term. These policies shall include the following minimum standards:

(A) Intervention policies during the charter term shall give schools clear, adequate, evidence-based, and timely notice of contract violations or performance deficiencies and shall mandate intervention based upon findings of the board of the following:

1. The charter school provides a high school program which fails to maintain a graduation rate of at least seventy percent (70%) in three (3) of the last four (4) school years;

2. The charter school's APR results are below that of the district in which the charter school is located for standards applicable to its building configuration three (3) of the last four (4) school years; or

3. The charter school is identified as a persistently lowest-achieving school by the department;

(B) Renewal process and decisions are based on the thorough analysis of a comprehensive body of objective evidence and shall consider if—

1. The charter school has maintained APR results that meet or exceed the district in which the charter school is located for standards applicable to its building configuration;

2. The charter school is organizationally and fiscally viable, determining at minimum that the school does not have—

- A. A negative balance in its operating funds;
- B. A combined balance of less than three percent (3%) of the amount expended for such funds during the previous fiscal year; or

C. Expenditure that exceeds receipts for the most recently completed fiscal year; and

3. The charter school has complied to the terms of the contract and applicable law; and

(C) Revocation during the charter term if—

1. There is clear evidence of underperformance as demonstrated in the charter school's APR in three (3) of the last four (4) school years; or

2. There is a violation of the law or the public trust that imperils students or public funds.

(7) The department shall provide to the sponsor the information submitted in the Annual Secretary of the Board Report (ASBR) to help identify charter schools in financial stress.

(A) The sponsor will notify the governing board of the charter school by November 1 of a charter school identified as financially stressed. The charter sponsor shall develop a budget and education plan.

(B) The budget and education plan, signed by the officers of the charter school as well as the sponsor, shall be submitted to the department within forty-five (45) calendar days of notification that the charter school has been identified as experiencing financial stress.

(C) Upon receipt, and review of any budget and education plan, the department may make suggestions to improve the plan.

(8) If the department determines that a sponsor is in material non-compliance with its

sponsorship duties, the charter sponsor shall be notified and be given reasonable time for remediation.

(9) If remediation does not address the compliance issues identified by the department, the Commissioner of Education or a designee shall conduct a public hearing, and thereafter, provide notice to the charter sponsor of corrective action that will be recommended to the board.

(A) Corrective action by the department may include:

1. Capping the number of charters that may be issued by the sponsor;
2. A moratorium on payment of state charter sponsorship funds; and/or
3. Suspension or revocation of the charter sponsorship authority.

(B) The charter sponsor may, within thirty (30) days of receipt of the notice of the commissioner's recommendation, provide a written statement and other documentation to show cause as to why that action should not be taken.

(C) Final determination of corrective action shall be determined by the board based upon a review of the documentation submitted by the department and the charter sponsor.

*AUTHORITY: sections 160.400 and 161.092, RSMo Supp. 2011,\* and section 2(A) of Art. IX, Mo. Const. Original rule filed Jan. 24, 2012, effective Aug. 30, 2012.*

*\*Original authority: 160.400, RSMo 1998, amended 2005, 2009 and 161.092, RSMo 1963, amended 1973, 2002, 2003.*