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# Rules of Department of Elementary and Secondary Education

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

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

**5 CSR 20-200.110 Standards and  
Operational Requirements**

*PURPOSE: This rule establishes the policies and standards to assist any district in establishing before- and after-school child care programs for school-age children who are enrolled in the district and who are between the ages of five and fourteen years. A district may establish such a program directly or through contract with any not-for-profit corporation.*

**(1) General Staff Requirements.**

(A) Child care personnel shall be of good character and intent and shall be qualified to provide developmentally appropriate care conducive to the welfare of children.

(B) Child care and district personnel shall cooperate with the Department of Elementary and Secondary Education.

(C) Individuals eighteen (18) years of age or older shall be counted in meeting the required staff to child ratios (see section (4)).

(D) Caregivers shall be capable of carrying out assigned responsibilities and shall be willing and able to accept training and supervision.

(E) Caregivers shall have knowledge of the needs of children and shall be sensitive to the capabilities, interests and problems of children in care.

(F) Caregivers shall be capable of handling emergencies promptly and intelligently.

(G) Caregivers, other personnel or volunteers shall not be under the influence of alcohol or illegal drugs while on the premises. These individuals shall not be in a state of impaired ability due to use of medication while on the premises.

(H) No person shall be employed who has been convicted of a crime against children.

(I) All programs are required to meet current state laws regarding child abuse and neglect screening of child care providers.

**(2) Staff Training Requirements.**

(A) Program administrator and staff working with school-age children should have training in early childhood education, child development, recreation, elementary education, school-age child care or other child-related fields.

(B) All adults working with children must be trained in appropriate first aid and emer-

gency procedures.

(3) Cost and Expense Standards/Fee Schedule Guidelines. Fees charged should reflect the economic standards of the local community. Division of Family Services reimbursement rates should also be considered when establishing fees.

(4) Minimum Staff to Child Ratios. There should be at least one (1) adult for every sixteen (16) children in the program. Consideration should be given to the ages of the children being served. If children with disabilities are included in the program, and require additional supervision or assistance, that district may need to alter the staff to child ratios. Special staffing arrangements may only be necessary during specific activities.

(5) Physical Space Requirements. School-age programs must provide access of thirty-five (35) square feet minimum usable space "both indoor and outdoor" per child. Usable space must consist of both primary and auxiliary space. The following areas can be included as auxiliary space: gym, media centers, multi-purpose rooms, libraries, industrial arts rooms, arts and crafts rooms, kitchens, community center activity rooms, or cafeterias. Park areas within walking distance of no more than one-quarter (1/4) mile from the program site can be considered outdoor play space. Any facility selected must be accessible for children with disabilities. The site must also adhere to all of the requirements set forth in the Americans with Disabilities Act.

**(6) Nutrition Requirement.**

(A) During full-day care, children may be permitted to bring sack meals as opposed to hot lunches; however, provider will supply one (1) serving of milk with each sack meal and will supply nutritious snacks.

(B) Children will be served a nutritious snack after school.

(C) Meals and snacks must follow "Meal and Snack Chart Guidelines" as established by the United States Department of Agriculture.

(7) Standards for the Provisions of Emergency Services in a Program. A form containing the following information must be on file for each child:

(A) The child's full name, address, birthdate and the date care begins and ends;

(B) Full name of the parent(s), guardian or legal custodian, home address, employer's name and address, work schedule, and home and work telephone numbers;

(C) Name, address and telephone number of another individual (friend or relative) who might be reached in an emergency when the parent(s), guardian or legal custodian cannot be reached;

(D) Name and phone number of the family physician, hospital, or both, to be used in an emergency;

(E) Name of the individual(s) authorized to take the child from the facility;

(F) Field trip and transportation authorization; and

(G) List of all allergies.

(8) Standards for Medication Authorization. A form containing the following information must be on file for each child receiving medication:

(A) Parental authorization for medication including child's name, the date the medication should be taken, the dosage, time(s), possible side effects, and parent or guardian signature;

(B) Record of medication administered including staff name, date, medication name, dosage and time; and

(C) All prescription and nonprescription medication shall be in their original containers with the child's name and instructions for administration.

**(9) Application Guidelines and Deadlines.**

(A) Districts will be notified of availability of grant applications and guidelines.

(B) If awarded grant, money must be spent within school year grant was received.

(C) All requirements of application and guidelines must be fulfilled.

(10) A Method for Establishing Priority of Applicants.

(A) Funding will be awarded on a competitive basis and may be limited by availability of grant funds.

(B) An evaluation form will be completed for each application which will assign a "rank" for each application according to the established criteria.

(C) In awarding grants, consideration will also be given to adequate distribution to metropolitan, urban and six (6)-director districts and according to geographic location throughout the state.

(D) Priority will be given to those school districts who meet the following special considerations:

1. Regarding ages of children enrolled in the program—

A. First priority shall be given to programs for children in grades kindergarten through three (K-3);

B. Second priority shall be given to



programs for children in grades four through six (4–6); and

C. Third priority shall be given to programs for children in grades seven through nine (7–9);

2. Low-income and/or special-needs children;

3. High poverty area;

4. High or low population density area; and

5. New programs.

*AUTHORITY: sections 167.290–167.296 and 167.300–167.310, RSMo (1994) and 167.298, RSMo (Cum. Supp. 1996). \* This rule previously filed as 5 CSR 60-90.010. Original rule filed Oct. 31, 1996, effective June 30, 1997. Moved to 5 CSR 20-200.110, effective Aug. 16, 2011.*

*\*Original authority: Please refer to the Missouri Revised Statutes 1994 and Cumulative Supplement 1996.*

### 5 CSR 20-200.120 Allowable Activities and Participating Student Eligibility

*PURPOSE: This rule defines activities which will be considered as permissible through the Sponsorship and Mentoring Program, and categories of students eligible for program participation.*

(1) Activities shall be designed to broaden and strengthen opportunities which shall include, but not be limited to the goals of the Sponsorship and Mentoring Program for all participating students:

(A) Positive development and participation in community life for youth;

(B) To discourage such persons from engaging in behavior detrimental to social, educational, and career advancement; and

(C) To complete secondary school with a focus toward entering and completing post-secondary education, and successful entry into meaningful employment.

(2) Mentoring activities provided shall offer participating youth the opportunity for a one-on-one relationship with an adult or an older, responsible youth who will be a positive example from which the youth can learn. Three (3) general categories of mentoring activities will be eligible through this initiative: school-based mentoring; community-based mentoring; and work-based mentoring.

(A) The school-based mentor shall be a professional educator employed at a school who is designated as the mentor for a particular student and who works in consultation with other educators and possibly employers for older students to provide support and monitor the progress of the student in school. The school-based mentor shall assume

responsibilities which include, but not be limited to:

1. Being available to assist the student;

2. Providing support to the student in decision making;

3. Assisting the student in planning career and evaluation goals;

4. Encouraging the student in a variety of academic, personal, and social issues;

5. Assisting the student in career awareness and career exploration; and

6. Seeking parental/legal guardian support.

(B) The community-based mentor shall be an adult or mature individual within the community who assumes a mentor or a role-model relationship for a particular child or youth; who works with educators, community-based agencies, and employers of older students to provide guidance and support; and who monitors the progress of the child and youth in the home, at school, and at the work site of older students if needed. The community-based mentor assumes a number of responsibilities which include, but not be limited to:

1. Being available to assist the student;

2. Providing support to the student in decision making;

3. Assisting the student in planning career and evaluation goals;

4. Encouraging the student in a variety of academic, personal, and social issues;

5. Assisting the student in career awareness and career exploration; and

6. Seeking parental/legal guardian support.

(C) The work-based mentor shall be an employee of a participating business or other individual, who is approved by a participating employer; who possesses the skills and knowledge to be mastered by a student; who instructs, critiques the performance, challenges the student to perform well; and who works in consultation with educators and employers of the student. The work-based mentor assumes a number of responsibilities which include, but not be limited to:

1. Introducing the student in the business and establishing expectations;

2. Providing instructions for the student;

3. Evaluating the performance of the student using a corrective learning approach; and

4. Counseling the student on matters related to work-site activities as well as encouraging good performance at school.

(3) Eligible participation in Sponsorship and Mentoring Program activities shall be limited to students deemed to be at-risk of dropping out of school, unless otherwise approved by

the Department of Elementary and Secondary Education (DESE).

(A) A student deemed to be at-risk of dropping out of school shall be any student who is still school age, but whose continued education is in jeopardy because they are experiencing academic deficits, or have characteristics identified as indicative of at-risk students.

1. Students will be considered as experiencing academic deficits if they—

A. Are one (1) or more years behind their age or grade level in mathematics or reading skills through eighth grade, or three (3) or more credits behind in the number of credits toward graduation from the ninth grade through twelfth grade;

B. Have low scores on tests of academic achievement and scholastic aptitude;

C. Have low grades and academic deficiencies;

D. Have a history of failure and being held back in school;

E. Have language problems or be from non-English speaking home; or

F. Are without access to appropriate educational programs.

2. Students will be considered as having characteristics identified as indicative of at-risk students if they have—

A. A parent or sibling who dropped out of school;

B. Experienced numerous family relocations;

C. Poor social adjustment, or deviant social behavior;

D. Employment of more than twenty (20) hours per week while school is in session;

E. Been the victim of racial or ethnic prejudice;

F. Low self-esteem and expectations of teachers, parents, and the community;

G. A poorly educated mother and/or father;

H. Children of their own;

I. A deprived environment which slows economic and social development;

J. A fatherless home; or

K. Been a victim of personal or family abuse, which includes substance abuse, emotional abuse, and sexual abuse.

(B) Any school district with an approved project may petition DESE to deem additional students as eligible for participation in the Sponsorship and Mentoring Program.

1. The principal of any school in a district which has an approved project may recommend, to the local school board, those students who do not meet the criteria of at-risk, as defined in this rule, and the school board may submit the names of such students and the circumstances which justify the student's



participation to DESE for approval of the student's participation.

2. If the petition for participation of any student is approved by DESE, said students shall be deemed eligible for participation in the Sponsorship and Mentoring Program.

*AUTHORITY: section 135.348, RSMo Supp. 1998.\* This rule previously filed as 5 CSR 60-95.010. Original rule filed March 22, 1999, effective Sept. 30, 1999. Moved to 5 CSR 20-200.120, effective Aug. 16, 2011.*

*\*Original authority: 135.348, RSMo 1998.*

### 5 CSR 20-200.130 Administration, Eligible Contributors, and Tax Credits

*PURPOSE: This rule defines eligible administrators and contributors, and establishes guidelines which shall govern Sponsorship and Mentoring Program tax credits.*

(1) Public school districts, as defined under section 160.011, RSMo, shall be the eligible administrators of Sponsorship and Mentoring Program projects receiving approval by the Department of Elementary and Secondary Education (DESE).

(2) Design of activities provided through the Sponsorship and Mentoring Program shall involve taxpaying businesses involved in helping to find solutions to problems concerning youth in their own communities. Eligible contributors are employers as defined in section 143.191, RSMo, or sections 143.401 to 143.471, RSMo, that have Missouri state income tax liability.

(3) A tax credit will be approved by the Sponsorship and Mentoring Program for qualifying taxpayers that make property or monetary contributions to projects, which have been approved by the Sponsorship and Mentoring Program, designed to help youth grow positively in their communities and to complete secondary education, enroll and complete post-secondary education, and gain successful entry into meaningful employment.

(A) The allowable tax credits for contributions are—

1. One hundred percent (100%) for property contributions (real or personal);

2. One hundred percent (100%) for monetary contributions; and

3. Fifty percent (50%) for wages paid to youth participating in an approved internship, apprenticeship or employment project.

(B) Contributions that qualify for tax credits are—

1. Cash—valued at face amount of check or bankdraft;

2. Materials, supplies, equipment—valued at the lesser of either the fair market value or contributor's cost;

3. Real estate—valued at the lesser of two (2) independent appraisals; and

4. Wages paid to youth participating in an internship, apprenticeship or employment program, which is directly tied to work-based mentorship—valued at total amount of wages earned.

(C) For taxable years commencing on or after January 1, 1998, a qualified taxpayer shall be allowed a credit against the tax imposed by Chapter 143, RSMo, exclusive of the provisions relating to the withholding of tax as provided in sections 143.191 to 143.265, RSMo, to the extent of the lesser of two thousand dollars (\$2,000) times the number of eligible students for which the qualified taxpayer is allowed a credit pursuant to this rule, or the net expenditures made directly or through a fund during a taxable year by the qualified taxpayer for the participation of an eligible student in an approved Sponsorship and Mentoring Program project.

1. Net expenditures are only those paid or incurred for the participation of an eligible student in an approved Sponsorship and Mentoring Program project less any amounts received by the qualified taxpayer from any source for the provision of said mentoring activity.

2. No credit shall be allowed for any amounts for which any other credit is claimed or allowed under any other provision of state law for the same net expenditures.

3. No credit shall be issued for mentoring activities provided to an eligible student which occur during less than eight (8) calendar months of the taxable year for which a return is filed claiming said credit.

(D) The tax credit allowed by this rule shall be claimed by the qualified taxpayer at the time such taxpayer files a return and shall be applied against the income tax liability imposed by Chapter 143, RSMo, after all other credits provided by law have been applied.

(E) Where the amount of the credit exceeds the tax liability, the difference between the credit and the tax liability shall not be refundable but may be carried forward to any of the taxpayer's four (4) subsequent taxable years.

(F) There is no minimum contribution by qualified taxpayers set by DESE.

(G) Restrictions on tax credits for contributions to an approved Sponsorship and Mentoring Program project shall include, but not be limited to:

1. Used clothing does not qualify for credit. Only new items contributed by clothing manufacturers, distributors, or retailers are eligible;

2. Non-cash contributions qualify only if the contributed goods are needed specifically to carry out project activities covered by the Sponsorship and Mentoring Program agreement. Items are valued at the lesser of either the fair market value or cost to the contributor and may include reasonable overhead costs incurred by the contributor in making the contribution, such as transportation or shipping. In no case shall the value of the contributed items include sales tax;

3. In order for credits to be given for the contribution of buildings and other real estate, the title must be held free and clear by the contributor. Credits are based on the lesser of two (2) independent appraisals conducted by state-certified or state-licensed appraisers. Appraisals must be performed no more than eighteen (18) months prior to date of contribution. Only one (1) appraisal is required, however, if the property is either—

A. Commercial property whose appraised value is less than fifty thousand dollars (\$50,000); or

B. Vacant or residential property whose appraised value is less than twenty-five thousand dollars (\$25,000);

4. Contributions of partial ownership interest in real estate do not qualify for Sponsorship and Mentoring Program tax credits (i.e., full title must be given by the contributor in order for the contribution to qualify for credit);

5. If only a portion of contributed real estate is to be used for activities covered under this agreement, Sponsorship and Mentoring Program tax credits will be prorated according to the proportion of the property that is to be used for the Sponsorship and Mentoring Program project;

6. A Phase I Environmental Assessment is required on all real estate contributed for Sponsorship and Mentoring Program credit, with the exception of existing residential structures;

7. If only a portion of the value of a non-cash gift is contributed, Sponsorship and Mentoring Program tax credits will be based on the amount discounted from what the value of the contribution would have been had the item been contributed outright;

8. Contributions to pay for fund-raising activities do not qualify for Sponsorship and Mentoring Program tax credits;

9. Contributions of labor and professional services do not qualify for Sponsorship and Mentoring Program tax credits;



10. Contributions of stocks and bonds do not qualify for Sponsorship and Mentoring Program tax credits;

11. Contributions must be made directly to the school district which is administering an approved Sponsorship and Mentoring Program project;

12. Contributions must be directly utilized by the Sponsorship and Mentoring Program project. Contributions of items that will be sold or auctioned off are not eligible for Sponsorship and Mentoring Program tax credits; and

13. In order to qualify for tax credits, contributions must occur within the approved project's fund-raising period.

(H) Eligible businesses wishing to apply for tax credits must complete a Sponsorship and Mentoring Program Tax Credit Application.

1. Tax credit applications are to be completed and signed by the project director or authorized designee.

A. Tax credit applications must be submitted directly to the Sponsorship and Mentoring Program office no later than one (1) year following the date of contribution.

B. Tax credit applications submitted more than one (1) year following the date of contribution will be void and the right to the tax credit will be forfeited.

2. The order in which tax credit applications are received by DESE will determine the order in which credits are approved.

3. Facsimile copies of the application and accompanying verifying documentation will be accepted provided it is complete and legible.

4. DESE shall examine all submitted applications and determine whether the contribution meets the eligibility criteria.

5. If the tax credit application or verifying documentation is illegible, or if the contribution is determined to be ineligible, the project will be notified and materials returned to the project. The Sponsorship and Mentoring Program will not be responsible for notifying individual contributors of ineligible contributions for tax credits.

(I) The following method will be used to determine the value of contributions of real or personal property:

1. Real or personal property contributions shall be equal to the lowest of at least two (2) qualified independent appraisals, with the following exceptions: commercial property which value is less than fifty thousand dollars (\$50,000) and vacant or residential property which value is less than twenty-five thousand dollars (\$25,000) will require only one (1) appraisal;

2. When the full title of real or personal property is not transferred and use of property is offered, the amount of the contribution shall equal either the comparable market value of the rental or the actual rental value, whichever is less;

3. Contributions of equipment, supplies, or materials shall equal the cost to the contributor or the fair market value, whichever is less. Fair market value and cost to the contributor shall be determined by DESE and may be based on the applicant's support of the amounts by documentation either from the applicant itself or from an independent appraiser; and

4. When contributions consist of the use of items, the amount of the contribution shall equal the actual cost of the item's use to the contributor, but not more than the fair market value of that use. Cost and fair market value shall be determined by DESE and may be based on the applicant's support of the amounts by documentation either from the applicant itself or from an independent appraiser.

(J) Verifying documentation must accompany each tax credit application and must be attached to the tax credit application. The required verifying documentation for the contribution depends on the type contribution, and may include, but is not limited to, one of the following:

1. Forms of verifying documentation for monetary contributions are as follows:

A. Cash—legible receipt from the project with the project name and Sponsorship and Mentoring Program reference number, name of the contributor, amount of contribution, and date of the contribution;

B. Check—photocopy of the canceled check, front and back—if not possible then copy of original check and a receipt from the project with the project name and Sponsorship and Mentoring Program reference number, name of the contributor, amount of contribution, and date of the contribution;

C. Credit card—legible transaction receipt with the project name and Sponsorship and Mentoring Program reference number, name of the contributor and amount of contribution;

D. Money order or cashiers check—legible copy of original document with Sponsorship and Mentoring Program project name and reference number, name of contributor and amount of contribution;

E. Electronic transfers—copy of the original authorization form from the contributor stating the amount to be deducted from the contributor's account, how often the deductions are to occur (i.e., one (1) time,

weekly, monthly, etc.) and the date the deductions are to begin and end.

(I) One (1) application for these contributions must be submitted quarterly or at six (6)-month intervals totaling the amount to date that has been contributed. The date of the last contribution will be used by DESE as the official date of contribution.

(II) Also required is documentation from the participating school district verifying the total cumulative amount that has been contributed by the contributing taxpayer. This documentation shall include the project name and Sponsorship and Mentoring Program reference number, name of the contributor, amount of contribution, and date(s) of the contributions; and

F. Cashiers check—photocopy of the check. Accompanying the copy of the check should be a letter from the contributor stating that the contribution is to the specific Sponsorship and Mentoring Program project, or a copy of the receipt from the administering school district which identifies the project name and Sponsorship and Mentoring Program reference number, name of the contributor, amount of contribution, and date of the contribution;

2. Real estate contributions shall have a copy of the deed and the required number of appraiser's reports. All appraisals must be performed by state-licensed or certified appraisers;

3. Contributions of equipment or supplies shall have a copy of the invoice or other documentation showing the cost to the contributor or current fair market value, whichever is less;

4. For wages paid to youth participating in intern/apprenticeship or employment projects there shall be a copy of an invoice (or official record or statement) signed by the employee and employer itemizing the total number of hours worked and the employee's hourly wages, along with a copy of the employer's payroll record; and

5. Any other type of contribution or form of verification must be approved by the Sponsorship and Mentoring Program and DESE prior to applying for credit.

(4) Upon approval of the tax credit application, a Tax Credit Certification form will be issued to the contributing taxpayer. The following criteria must also be met in order for the contributing taxpayer to claim the credit:

(A) The total tax credits approved for each contributor shall not exceed two hundred fifty thousand dollars (\$250,000) per tax period;

(B) Tax credits for wages paid to youth participating in an approved Sponsorship and Mentoring Program project shall not exceed



two thousand dollars (\$2,000) in credits per youth;

(C) Tax credits may be claimed by the contributor to offset tax liability against Chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo;

(D) In cases of a corporation described in section 143.471, RSMo, or a partnership, in computing Missouri's tax liability, such as credits, shall be allowed to the following:

1. The shareholders of the corporation described in section 143.471, RSMo;

2. The partners of the partnership; and

3. Such credits shall be apportioned to these entities in proportion to their share of ownership on the last day of the taxpayer's tax period;

(E) The amount of the tax credit claimed shall not exceed the amount of the taxpayer's liability in the tax period that the credit is claimed;

(F) The tax credit shall be claimed by the contributor to offset the taxes that become due in the taxpayer's tax period in which the contribution was made. Any tax credit not used in such tax period may be carried over the next four (4) succeeding tax periods;

(G) DESE will transmit in writing to the director of the Department of Revenue the necessary information on the amount of tax credits approved for each taxpayer; and

(H) In the event that tax credits were improperly approved, DESE will notify the taxpayer of the reason for the adjustment and notify the Department of Revenue that the tax credits have been adjusted and the reason for the adjustment.

(5) As the administering agency for the Sponsorship and Mentoring Program, DESE has the fiduciary responsibility of seeing that the tax credits are awarded for projects that result primarily in public benefit rather than private gain.

(A) Sponsorship and Mentoring Program tax credits will not be used to financially benefit an organization that would not otherwise be eligible to apply for the Sponsorship and Mentoring Program on its own behalf. The following guidelines have been developed with this in mind:

1. New construction—The entire cost may be underwritten by the Sponsorship and Mentoring Program if the space will be fully used by the organization to carry out mentoring related activities, as agreed upon with DESE. If any portion of the newly constructed space will be for non-mentoring related activities it must be determined what proportion of the facility that represents and the Sponsorship and Mentoring Program will

prorate that percentage of costs out of the Sponsorship and Mentoring Program project budget; and

2. Building acquisition/renovation—The entire cost may be underwritten by the Sponsorship and Mentoring Program if—

A. At least half of the space will be fully used by the administering school district to carry out mentoring activities, as agreed upon with DESE; and

B. If more than half of the space shall be fully used by the administering school district to carry out mentoring activities, as agreed upon with DESE, it must be determined what proportion of the facility that represents and the Sponsorship and Mentoring Program will prorate that percentage of costs out of the Sponsorship and Mentoring Program project budget; and

(B) Approval for construction and renovation projects is based on the plans presented in the proposal, and on any revisions agreed upon with DESE. If, at some point during the next ten (10) years, the administering school district wishes to dispose of the constructed or renovated facility, credit payback may be avoided by selling it for at least ninety percent (90%) of fair market value, lump sum payment, with proceeds applied either toward a replacement facility for the organization, or by carrying out some other project activity approved by DESE.

1. If Sponsorship and Mentoring Program credits have been given for improvements on leased property, and the lease is terminated (for whatever reason) and property reverts to the owner within ten (10) years, a percentage of the credits approved for the building, including any furnishings or equipment that revert to the owner, must be repaid to the state of Missouri.

2. In addition to outright payment by the organization to the state of Missouri, other acceptable methods of settlement involve voluntary relinquishing of credits by contributors. The percentage of credit settlement will be based on the number of years between project approval and time of voluntarily relinquished credits by contributing taxpayers.

A. If the contributing taxpayer voluntarily relinquishes credits during the first year, one hundred percent (100%) of the Sponsorship and Mentoring Program tax credit shall be repaid to the state.

B. If the contributing taxpayer voluntarily relinquishes credits during the second year, ninety percent (90%) of the Sponsorship and Mentoring Program tax credit shall be repaid to the state.

C. If the contributing taxpayer voluntarily relinquishes credits during the third year, eighty percent (80%) of the Sponsorship

and Mentoring Program tax credit shall be repaid to the state.

D. If the contributing taxpayer voluntarily relinquishes credits during the fourth year, seventy percent (70%) of the Sponsorship and Mentoring Program tax credit shall be repaid to the state.

E. If the contributing taxpayer voluntarily relinquishes credits during the fifth year, sixty percent (60%) of the Sponsorship and Mentoring Program tax credit shall be repaid to the state.

F. If the contributing taxpayer voluntarily relinquishes credits during the sixth year, fifty percent (50%) of the Sponsorship and Mentoring Program tax credit shall be repaid to the state.

G. If the contributing taxpayer voluntarily relinquishes credits during the seventh year, forty percent (40%) of the Sponsorship and Mentoring Program tax credit shall be repaid to the state.

H. If the contributing taxpayer voluntarily relinquishes credits during the eighth year, thirty percent (30%) of the Sponsorship and Mentoring Program tax credit shall be repaid to the state.

I. If the contributing taxpayer voluntarily relinquishes credits during the ninth year, twenty percent (20%) of the Sponsorship and Mentoring Program tax credit shall be repaid to the state.

J. If the contributing taxpayer voluntarily relinquishes credits during the tenth year, ten percent (10%) of the Sponsorship and Mentoring Program tax credit shall be repaid to the state.

*AUTHORITY: section 135.348, RSMo Supp. 1998.\* This rule previously filed as 5 CSR 60-95.020. Original rule filed March 22, 1999, effective Sept. 30, 1999. Moved to 5 CSR 20-200.130, effective Aug. 16, 2011.*

*\*Original authority: 135.348, RSMo 1998.*

#### 5 CSR 20-200.140 Standards for Submission and Review of Proposals

*PURPOSE: This rule identifies the content of acceptable proposals, and the review and approval process of proposals deemed acceptable by the Department of Elementary and Secondary Education (DESE).*

(1) The Department of Elementary and Secondary Education (DESE) shall review all acceptable proposals from school districts, submitted in accordance with this rule, and shall approve or disapprove proposed projects for the Sponsorship and Mentoring Program.



(A) School districts may qualify for the Sponsorship and Mentoring Program provided these conditions are met:

1. The project addresses a specific identified need for mentoring which will serve for the betterment of eligible students;
2. The activities and services associated with the project are open to any eligible student of the administering school district that wishes to participate; and
3. Costs outlined in the Sponsorship and Mentoring Program project budget do not reflect those costs associated with the normal or regular curriculum or operations of the school.

(B) Submission of a proposal shall be defined as the act of putting forward a proposed project by a school district for carrying out a specific project consistent with mentoring activities as defined by the Sponsorship and Mentoring Program.

(C) All proposals shall be made on the forms supplied by DESE, which reserves the right to request any additional information it determines necessary to adequately evaluate a proposal or plan.

(2) Sponsorship and Mentoring Program projects shall be approved for a period not to exceed twelve (12) months.

(3) DESE shall determine an annual application deadline and application materials shall be distributed upon request no less than thirty (30) days prior to the actual application deadline.

(4) Facsimile copies of Sponsorship and Mentoring Program applications shall not be accepted.

(5) All proposals are to be submitted to the Sponsorship and Mentoring Program Office within DESE in Jefferson City.

(6) DESE shall issue an acknowledgment of receipt of the submitted proposal to the applying school district within fifteen (15) working days of the date received by the Sponsorship and Mentoring Program Office.

(7) The maximum of amount of tax credits allowed per project is two hundred fifty thousand dollars (\$250,000).

(8) DESE shall evaluate acceptable proposals for the Sponsorship and Mentoring Program, and determine proposal approval or disapproval based upon the project's design to meet the goals for participating students, and other factors including but not limited to:

(A) The degree to which the proposed project provides the youth of the community with

mentoring that would not otherwise be possible;

(B) The degree to which the proposed project provides youth the opportunity to learn skills that could provide a better future for themselves and their families;

(C) The extent to which the applicant possesses sufficient capacity to administer the project and achieve the desired results;

(D) The extent to which the applicant possesses sufficient capacity to utilize the tax credits through fund-raising; and

(E) The degree to which the proposed project addresses specific priorities set by the DESE and the Sponsorship and Mentoring Program.

(9) Proposals submitted by school districts subsequent to the first year will be evaluated on performance of the first year project, other resources developed, continued need and potential for eventual self-sufficiency.

(10) Upon notice of approval of the proposed project, DESE will send an official agreement that is to be completed by the administering agency.

(A) No Sponsorship and Mentoring Program tax credits are officially allocated to projects until the Sponsorship and Mentoring Program Agreement has been signed and notarized by the administering agency and DESE.

(B) The Sponsorship and Mentoring Program Agreement shall discuss the official terms under which the project is to be approved, administered, evaluated, and completed. The Sponsorship and Mentoring Program Agreement shall refer to this document for explicit definitions and explanations.

(11) Proposals that have not been approved by the department shall be notified by telephone and in writing. At that time their official status will be "disqualified."

(12) When an application has been approved as a Sponsorship and Mentoring Program project, the following terminology will be used in reference to the status of the project:

(A) "Pending"—The proposal has been selected for approval, but the contract (Sponsorship and Mentoring Program Agreement) has not been completed;

(B) "Open project"—Projects that are in their fund-raising period;

(C) "Active project"—Projects that are no longer in their fund-raising period, but have not completed their performance targets and/or have not expended their Sponsorship and Mentoring Program budget;

(D) "Administratively closed"—Projects that have completed their performance targets

and expended their Sponsorship and Mentoring Program budget, but have not completed and reported the final audit and/or final project evaluation; and

(E) "Closed"—Projects that have reported their final audit and final project evaluation, and which DESE have deemed "complete."

(13) Applicants who have a complaint concerning the status of their proposal may file their complaint with the director of the Sponsorship and Mentoring Program.

*AUTHORITY: section 135.348, RSMo Supp. 1998.\* This rule previously filed as 5 CSR 60-95.030. Original rule filed March 22, 1999, effective Sept. 30, 1999. Moved to 5 CSR 20-200.140, effective Aug. 16, 2011.*

*\*Original authority: 135.348, RSMo 1998.*

### 5 CSR 20-200.150 Missouri Textbook Filing

*PURPOSE: This regulation establishes requirements for publishers who wish to sell textbooks to the public schools of the state.*

(1) Requirements for Filing Textbooks. Publishers who offer textbooks for sale to any school board in Missouri shall file the following items with the Missouri State Board of Education:

(A) A copy of each textbook to be sold in Missouri. A textbook when revised over ten percent (10%) must also be filed;

(B) "Agreement and Affidavit." This form, which is shown in this regulation as Exhibit 1, shall be submitted at least once each year and each time additional books are filed or prices changed;

(C) "Textbook List and Prices." This form, shown in this regulation as Exhibit 2, shall be submitted with the "Agreement and Affidavit" form;

(D) A bond for not less than five thousand dollars (\$5000) although the Missouri State Board of Education may require a bond of not more than ten thousand dollars (\$10,000) if deemed necessary to assure compliance with this law. The bond may be submitted on any form as long as it guarantees compliance with section 170.081, RSMo (1986). The face of the bond shall indicate the date of expiration or the date on which the premium is due to keep the bond in force; and

(E) A ten dollar (\$10) nonrefundable fee shall be paid for each textbook which is offered for sale in Missouri for the first time. A series of textbooks by the same author and upon the same subject constitutes a textbook for this purpose. Each textbook or series of textbooks for which the ten dollar (\$10) fee is



being paid shall be starred (\*) on the “Textbook List and Prices” form. Checks shall be made payable to the Missouri Department of Elementary and Secondary Education.

1. The fee shall be paid only once for each textbook or series of textbooks. The fee need not be repaid for a textbook when its price is being changed, revised ten percent (10%) or less, being relisted on the yearly “Textbook List and Prices” form or when it is a book or workbook being added to a series for which the fee has already been paid.

*AUTHORITY: section 170.061, RSMo 1986. This rule previously filed as 5 CSR 60-110.010. Original rule filed Dec. 10, 1975, effective Dec. 20, 1975. Amended: Filed May 12, 1978, effective Aug. 14, 1978. Moved to 5 CSR 20-200.150, effective Aug. 16, 2011.*





EXHIBIT 1
AGREEMENT AND AFFIDAVIT
of
Textbook Company
AGREEMENT

NAME OF TEXTBOOK COMPANY \_\_\_\_\_
of \_\_\_\_\_, a corporation organized under the laws of the State of \_\_\_\_\_, hereby agrees to furnish and offer for sale in the State of Missouri all books of which they have filed a copy in the office of the State Board of Education at the prices therewith filed\*, and said TEXTBOOK COMPANY further agrees to reduce the price in Missouri of any and all books so filed by the said TEXTBOOK COMPANY whenever the price on such book or books is reduced elsewhere in the country, so that at no time may any of such books be sold in Missouri at a higher price than is received for the same book elsewhere in the country where like conditions of distribution prevail. It is further agreed that all books offered for sale in Missouri by the said TEXTBOOK COMPANY shall be equal in quality to the copy of such book deposited in the office of the State Board of Education as regards paper, binding, print, illustration and all points that may affect the value of said books.

\*"Textbook List and Prices" is attached

AFFIDAVIT

STATE OF \_\_\_\_\_
COUNTY OF \_\_\_\_\_

\_\_\_\_\_ being duly sworn, deposes and says that he is authorized agent of \_\_\_\_\_, a corporation, and that the prices set forth opposite the title of the books filed by the said \_\_\_\_\_ in the office of the State Board of Education of the State of Missouri, show the prices at which the said publishers will sell said books in the State of Missouri in accordance with the provisions of Section 170.061, RSMo (1972), relating to textbooks, and also show the regular list price and lowest net price at which the respective books are sold or offered for sale anywhere in the United States under like conditions of distribution.

Said corporation is and will continue to comply with Sections 170.071; 170.081; 170.131; and 170.141, RSMo (1972).

(Signed) \_\_\_\_\_
Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_
(Notary Public)

My commission expires \_\_\_\_\_



**EXHIBIT 2  
TEXTBOOK LIST AND PRICES**

Name of Company \_\_\_\_\_ Date \_\_\_\_\_

Please star (\*) any textbooks for which the \$10 filing fee is being paid.

<u>Name of Book</u>	<u>Author</u>	<u>Lowest Net Price</u>	<u>List Price</u>
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**5 CSR 20-200.160 State Plan for Career Education**

*PURPOSE:* This rule incorporates the current state plan for career education. This plan constitutes the basis for the operation and administration of the state's federally-assisted career education program established by the current career education legislation and subsequent amendments enacted by the United States Congress and regulations implementing Acts of Congress published by the Secretary of the United States Department of Education. The plan is submitted to, and with the approval of, the United States Department of Education. It serves as a guide for administering federally-funded career education programs, services, and activities for eligible subrecipients in Missouri.

*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) The state Department of Elementary and Secondary Education, in consultation with teachers, administrators, eligible recipients, parents, students, interested community members, representatives of special populations, representatives of business and industry, representatives of labor organizations, and the governor, prepares the state plan. The plan identifies specific groups of individuals to be served and indicates the types of programs, services, and activities which may be provided. It enumerates the goals and objectives which serve as a basis for the statewide effort to provide for the career education needs of the people of Missouri.

(2) The Missouri State Plan for Career Education contains the administrative provisions for the delivery of the state's federally-assisted career education program. The Missouri State Plan for Career Education State Fiscal Years 2008–2013 is hereby incorporated by reference and made a part of this rule. A copy of the Missouri State Plan for Career Education (revised 2008) is published by and can be obtained from the Department of Elementary and Secondary Education,

Division of Career Education, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions.

(3) Rules pertaining to the State Board of Education which is responsible for the administration of the state plan, statements of assurance, methods of joint planning and coordination, procedures on local applications and procedures to establish and meet the state level of performance for the six (6) core indicators of performance for secondary programs and the five (5) core indicators of performance for postsecondary programs are contained in the plan.

(4) Operational procedures concerning the allocation of funds for career education programs are contained in the plan. These procedures deal with funding allocations and procedures for secondary, postsecondary, and adult career education programs. Additional procedures pertaining to tech prep education and staff development activities are also included.

*AUTHORITY:* Public Law 105-332, section 161.092, RSMo Supp. 2007 and section 178.430, RSMo 2000.\* This rule previously filed as 5 CSR 60-120.010. Original rule filed Aug. 22, 1974, effective Sept. 2, 1974. Amended: Filed Oct. 10, 1974, effective Oct. 21, 1974. Amended: Filed Oct. 13, 1976, effective Nov. 15, 1976. Amended: Filed Nov. 28, 1977, effective Jan. 16, 1978. Amended: Filed Oct. 20, 1981, effective Dec. 15, 1981. Amended: Filed Oct. 16, 1982, effective Nov. 15, 1982. Amended: Filed Oct. 12, 1983, effective Nov. 15, 1983. Amended: Filed Dec. 7, 1984, effective Jan. 14, 1985. Amended: Filed Jan. 30, 1989, effective Feb. 24, 1989. Amended: Filed Aug. 17, 1990, effective Nov. 30, 1990. Amended: Filed Nov. 22, 1994, effective Feb. 26, 1995. Amended: Filed Oct. 29, 1999, effective Jan. 30, 2000. Amended: Filed Feb. 22, 2001, effective May 30, 2001. Amended: Filed May 13, 2008, effective July 30, 2008. Moved to 5 CSR 20-200.160, effective Aug. 16, 2011.

\*Original authority: 161.092, RSMo 1963, amended 1973, 2002, 2003 and 178.430, RSMo 1963.

*Op. Atty. Gen. No. 96, Wheeler (6-15-55). House Bill No. 202, 68th General Assembly (section 178.430, RSMo (1969)), authorizes State Board of Education to formulate and execute plan of agreement in carrying out provisions of federal Social Security Act in making determination of disability under Title II thereof. The state board has authority to designate Vocational Rehabilitation Section to administer such plan.*

**5 CSR 20-200.170 Implementation of Vocational Educational Programs**

*PURPOSE:* This regulation, which is contained in the *Handbook for Vocational Education in Missouri*, establishes the guidelines for implementation and operation of vocational education programs for public education agencies.

*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) The handbook describes the general guidelines for administration of vocational education including: procedures for submitting applications, terminating programs, reimbursement, certification of teachers and in-service education, facilities, time requirements for programs and courses, evaluation, replacement of equipment, inventory procedures, guidance services and advisory committees.

(2) The handbook establishes the guidelines for the administration of specific vocational education program areas. It describes requirements for agricultural education, business and office education, cooperative industrial and distributive education, adult distributive education, home economics education, vocational industrial education, disadvantaged and handicapped programs and work-study programs.

(3) The handbook prescribes guidelines for area vocational schools, guidance services and the research coordinating unit.

(4) The handbook includes the report forms for the vocational education programs.

*AUTHORITY:* section 178.430, RSMo 1986.\* This rule previously filed as 5 CSR 60-120.020. Original rule filed Aug. 26, 1974, effective Sept. 6, 1974. Amended: Filed Oct. 29, 1981, effective Feb. 15, 1982. Moved to 5 CSR 20-200.170, effective Aug. 16, 2011.

\*Original authority: 178.430, RSMo 1963.



*Op. Atty. Gen. No. 96, Wheeler, (6-15-55). House Bill No. 202, 68th General Assembly (see section 178.430, RSMo (1969)), authorizes State Board of Education to formulate and execute plan of agreement in carrying out provisions of federal Social Security Act in making determination of disability under Title II thereof. The state board has authority to designate Vocational Rehabilitation Section to administer such plan.*

### 5 CSR 20-200.180 Area Vocational School Service Regions

*PURPOSE: This rule provides planning stability by establishing service regions and to provide procedures for altering these regions.*

(1) The initial assignment of a sending school district to a specific area vocational school will be effective for the 1983-84 school year and shall continue until the assignment is changed by action of the State Board of Education.

(2) School districts whose students were enrolled in one (1) area vocational school during the 1983-84 school year shall be assigned to that area vocational school.

(3) School districts whose students were enrolled in more than one (1) area vocational school during the 1983-84 school year shall be assigned to the area vocational school in which the greater number of the district's students were enrolled during the 1983-84 school year.

(4) Future assignments for school districts not affiliated with an area vocational school during the 1983-84 school year shall be approved by the State Board of Education. The request for assignment shall be submitted in writing to the assistant commissioner, Division of Vocational and Adult Education, Department of Elementary and Secondary Education, by November 1, to be considered for the next year. For good cause shown, the state board may waive the requirement for submission by November 1. The request shall be authorized by the board of education and signed by the superintendent and shall include rationale justifying the affiliation. Based on the information presented and comments from officials of the area vocational school, the assistant commissioner will prepare a recommendation to the commissioner of education and the State Board of Education. All districts involved will be officially notified of the board's decision.

(5) School districts that desire to enroll students in more than one (1) area vocational school or to change affiliation from one (1) area vocational school to another shall obtain the approval of the State Board of Education. The written request shall be submitted to the assistant commissioner, Division of Vocational and Adult Education, Department of Elementary and Secondary Education, by November 1, to be considered for the next school year. The request shall be authorized by the board of education and signed by the superintendent and shall include a rationale justifying the request. Based on the information presented and on other information as may be requested from administrators of the school districts involved, the assistant commissioner will prepare a recommendation to the commissioner of education and the State Board of Education. The State Board of Education will make a determination regarding the district's affiliation based upon the information presented. All districts involved in the request will be officially notified by letter of the board's decision.

(6) Any sending school district altering an affiliation with an area vocational school without following the procedures previously described in sections (4) and (5) may by action of the State Board of Education, be disallowed any reimbursement for contracted services and any provision of transportation aid to and from the area vocational school.

(7) The service region for any additional area vocational school approved subsequent to the effective date of this rule will be defined at the time of approval.

*AUTHORITY: sections 161.092, 178.510, RSMo 1986 and 178.530, RSMo Supp. 1991.\* This rule previously filed as 5 CSR 60-120.050. Original rule filed May 26, 1983, effective Nov. 14, 1983. Amended: Filed Feb. 8, 1985, effective June 1, 1985. Moved to 5 CSR 20-200.180, effective Aug. 16, 2011.*

*\*Original authority: 161.092, RSMo 1963, amended 1973; 178.510, RSMo 1963; and 178.530, RSMo 1963, amended 1977, 1991.*

### 5 CSR 20-200.190 Vocational-Technical Education Enhancement Grant Award Program

*PURPOSE: This rule establishes minimum requirements for the administration of the Vocational-Technical Education Enhancement Grant Award Program.*

(1) The Vocational-Technical Education Enhancement Grant Award Program shall be

administered by the Division of Vocational and Adult Education (division), Department of Elementary and Secondary Education (DESE), which has the authority to determine grant award criteria and annual grant amounts.

(2) Eligible institutions shall include public high schools, area vocational-technical schools and community colleges that operate DESE-approved occupational preparatory (long-term) vocational education programs. Grant awards shall be made under the following conditions:

(A) Seventy-five percent (75%) of grant funds shall be expended for new programs, curriculum enhancement or instructional equipment that address demand occupations that have been determined to be in critical shortage, as published by the division. The remaining twenty-five percent (25%) or less of the grant may be used for these purposes, as well as facility improvement without regard for demand occupations. A grant recipient shall expend at least twenty-five percent (25%) matching funds from local sources for all grant funds expended for instructional equipment. A grant recipient shall expend at least fifty percent (50%) matching funds from local sources for all other grant fund expenditures;

(B) An advisory committee with no fewer than twelve (12) members shall be established by each eligible institution prior to a grant award. This committee shall be composed of at least two (2) members representing each of the following groups: business persons, labor leaders, parents, senior citizens, community leaders and teachers. The committee shall assist the grant recipient with the development of a plan which will ensure that graduates proceed to a two (2)- or four (4)-year college/university or a high wage job with workplace skill development opportunities. This plan shall be developed prior to the close of the fiscal year that the grant recipient receives an initial grant under this grant award program. Eligible institutions that apply for grant funds after receiving an initial grant award shall submit a description of the accomplishments made toward the implementation of their initial plan and any modifications to their initial plan; and

(C) A budget shall be developed which details all major expenditure categories and itemizes all equipment purchases. Equipment purchases with grant funds shall:

1. Have prior approval of the division; and
2. Be appropriate to the instructional content of the vocational education course or program.



(3) A request for proposals will be made available to eligible institutions by the division for each fiscal year. Applicants must develop a grant proposal and forward it to the division no later than the published date in order to receive consideration. Grant awards will be effective July 1 of each year.

(4) Grant proposals must contain at least the following:

(A) The name and address of the institution and school or community college district applying for a grant award;

(B) A statement of commitment to implement the content of the grant proposal bearing the signature of the chief administrator of the school or community college district submitting the grant proposal;

(C) A description of how the funds made available by this grant award program will be used to enhance the vocational education offering at the institution and address demand occupations;

(D) A detailed, line item budget of anticipated local and grant fund expenditures;

(E) An assurance that fiscal control, property management control and fund accounting procedures are provided;

(F) An assurance that funds from local sources will be allocated and expended for the purposes delineated in the grant proposal in an amount equal to or greater than twenty-five percent (25%) for all instructional equipment and equal to or greater than fifty percent (50%) for all other grant award expenditure;

(G) An assurance that seventy-five percent (75%) of grant funds will be expended for new programs, curriculum enhancement or instructional equipment that address demand occupations;

(H) An assurance that the grant recipient will comply with all reporting requirements of the department relating to this grant award program;

(I) An assurance by secondary school districts that student performance standards will be established within the district that lead to or qualify students for graduation, and that these standards meet or exceed the Show-Me Standards;

(J) An assurance that prior to the close of the fiscal year of the grant award a plan will be developed with the assistance of the prescribed advisory committee, to ensure that graduates proceed to a two (2)- or four (4)-year college/university or a high wage job with workplace skill development opportunities;

(K) A listing of the advisory committee members and the category that they represent;

(L) The title and classification of instructional programs (CIP) code of any occupational preparatory (long-term) vocational education program for which grant funds will be expended; and

(M) A complete application for new or expanding regular vocational education programs, if an occupational preparatory (long-term) vocational education program is being established or expended with grant funds.

(5) The division will review all grant proposals submitted by eligible institutions based upon the extent to which:

(A) The proposed programs, services and activities enhance vocational education;

(B) The proposed programs, services and activities address demand occupations; and

(C) A complete grant proposal is received prior to the proposal deadline.

(6) The division will give priority to eligible institutions that have not previously received a grant award.

(7) Beginning July 1, 1994, the commissioner of education shall request from the director of the Division of Workforce Development, Department of Economic Development, an annual listing of demand occupations in the state, including substate projections. The listing shall include those occupations for which, in the judgment of the director of the Division of Workforce Development, there are critical shortages to meet present and future employment needs necessary to the economic growth and competitiveness of the state. The division will publish the list of demand occupations annually in its request for proposals.

(8) The assistant commissioner for Vocational and Adult Education may set aside up to ten percent (10%) of the monies appropriated for regional or statewide projects. The projects shall:

(A) Enhance the delivery system of vocational-technical education;

(B) Integrate academic and vocational-technical education; or

(C) Improve the articulation of vocational-technical programs at secondary and postsecondary institutions.

*AUTHORITY: sections 161.092 and 178.585, RSMo 2000. \* This rule previously filed as 5 CSR 60-120.070. Original rule filed Nov. 10, 1993, effective June 6, 1994. Amended: Filed Nov. 22, 1994, effective June 30, 1995. Amended: Filed July 7, 2000, effective Feb. 28, 2001. Rescinded and readopted: Filed Oct. 19, 2001, effective May 30, 2002. Moved to 5 CSR 20-200.190, effective Aug. 16, 2011.*

*\*Original authority: 161.092, RSMo 1963, amended 1973; and 178.585, RSMo 1993, amended 1995.*

## 5 CSR 20-200.200 Flag Etiquette

*PURPOSE: This rule provides guidelines for flag etiquette and the correct use and display of the United States of America flag.*

(1) School districts may adopt a program of instruction relating to the flag of the United States of America, instruction in flag etiquette, correct use and display of the flag and its use in other patriotic exercises.

(2) The program of instruction should include, but not be limited to the following areas:

(A) Times and occasions for display of the flag of the United States, as stated in 36 U.S.C.A. section 174, included as Appendix A to this rule, including:

1. Displays on buildings and stationary flagstaves in the open;
2. Night display;
3. Manner of hoisting the flag;
4. Prohibitions on display during inclement weather;
5. Appropriate days of display; and
6. Display of the flag on or near public buildings, polling places or schoolhouses;

(B) Proper position and manner of display of the flag of the United States as stated in 36 U.S.C.A. section 175, included as Appendix B of this rule, including:

1. Appropriate display of the flag;
2. Position of the flag with other flags;
3. Inappropriate displays and prohibited uses of the flag; and
4. Display of the flag at half-staff;

(C) Showing respect for the flag of the United States, as stated in 36 U.S.C.A. section 176, included as Appendix C of this rule, including:

1. Personal displays of respect for the flag;
2. Prohibited uses of the flag;
3. Storage of the flag;
4. Prohibitions on alteration of the flag; and
5. Appropriate destruction of flag no longer suitable for display; and

(D) Conduct during hoisting, lowering or passing of flag of the United States as stated in 36 U.S.C.A. section 177, included in the rule as Appendix D of this rule.

(3) The Department of Elementary and Secondary Education shall provide to school districts sample of instructional activities that meet the requirements of section (2) of this rule, as well as other patriotic exercises. Use



of the sample will be voluntary by any school district.

*AUTHORITY: section 161.104, RSMo Supp. 1997.\* This rule previously filed as 5 CSR 50-865.400. Original rule filed March 24, 1998, effective Oct. 30, 1998. Moved to 5 CSR 20-200.200, effective Aug. 16, 2011.*

*\*Original authority 1997.*



**Appendix A**

**Time and occasions for display.**

(a) Displays on buildings and stationary flagstaffs in open; night display—It is the universal custom to display the flag only from sunrise to sunset on buildings and on stationary flagstaffs in the open. However, when a patriotic effect is desired, the flag may be displayed twenty-four hours a day if properly illuminated during the hours of darkness.

(b) Manner of hoisting—The flag should be hoisted briskly and lowered ceremoniously.

(c) Inclement weather—The flag should not be displayed on days when the weather is inclement, except when an all weather flag is displayed.

(d) Particular days of display—The flag should be displayed on all days, especially on New Year's Day, January 1; Inauguration Day, January 20; Lincoln's Birthday, February 12; Washington's Birthday, third Monday in February; Easter Sunday (variable); Mother's Day, second Sunday in May; Armed Forces Day, third Saturday in May; Memorial Day (half-staff until noon), the last Monday in May; Flag Day, June 14; Independence Day, July 4; Labor Day, first Monday in September; Constitution Day, September 17; Columbus Day, second Monday in October; Navy Day, October 27; Veterans Day, November 11; Thanksgiving Day, fourth Thursday in November; Christmas Day, December 25; and such other days as may be proclaimed by the President of the United States; the birthdays of States (date of admission); and on State holidays.

(e) Display on or near administration building of public institutions—The flag should be displayed daily on or near the main administration building of every public institution.

(f) Display in or near polling places—The flag should be displayed in or near every polling place on election days.

(g) Display in or near schoolhouses—The flag should be displayed during school days in or near every schoolhouse.

**Appendix B**

**Position and manner of display.**

The flag, when carried in a procession with another flag or flags, should be either on the marching right; that is, the flag's own right, or, if there is a line of other flags, in front of the center of that line.

(a) The flag should not be displayed on a float in a parade except from a staff, or as provided in subsection (i) of this section.

(b) The flag should not be draped over the hood, top, sides, or back of a vehicle or of a railroad train or a boat. When the flag is displayed on a motorcar, the staff shall be fixed firmly to the chassis or clamped to the right fender.

(c) No other flag or pennant should be placed above or, if on the same level, to the right of the flag of the United States of America, except during church services conducted by naval chaplains at sea, when the church pennant may be flown above the flag during church services for the personnel of the Navy. No person shall display the flag of the United Nations or any other national or international flag equal, above, or in a position of superior prominence or honor to, or in place of, the flag of the United States at any place within the United States or any Territory or possession thereof: Provided, That nothing in this section shall make unlawful the continuance of the practice heretofore followed of displaying the flag of the United Nations in a position of superior prominence or honor, and other national flags in positions of equal prominence or honor, with that of the flag of the United States at the headquarters of the United Nations.

(d) The flag of the United States of America, when it is displayed with another flag against a wall from crossed staffs, should be on the right, the flag's own right, and its staff should be in front of the staff of the other flag.

(e) The flag of the United States of America should be at the center and at the highest point of the group when a number of flags of States or localities or pennants of societies are grouped and displayed from staffs.

(f) When flags of States, cities, or localities, or pennants of societies are flown on the same halyard with the flag of the United States, the latter should always be at the peak. When the flags are flown from adjacent staffs, the flag of the United States should be hoisted first and lowered last. No such flag or pennant may be placed above the flag of the United States or to the United States flag's right.

(g) When flags of two or more nations are displayed, they are to be flown from separate staffs of the same height. The flags should be of approximately equal size. International usage forbids the display of the flag of one nation above that of another nation in time of peace.



(h) When the flag of the United States is displayed from a staff projecting horizontally or at an angle from the window sill, balcony, or front of a building, the union of the flag should be placed at the peak of the staff unless the flag is at half staff. When the flag is suspended over a sidewalk from a rope extending from a house to a pole at the edge of the sidewalk, the flag should be hoisted out, union first, from the building.

(i) When displayed either horizontally or vertically against a wall, the union should be uppermost and to the flag's own right, that is, to the observer's left. When displayed in a window, the flag should be displayed in the same way, with the union or blue field to the left of the observer in the street.

(j) When the flag is displayed over the middle of the street, it should be suspended vertically with the union to the north in an east and west street or to the east in a north and south street.

(k) When used on a speaker's platform, the flag, if displayed flat, should be displayed above and behind the speaker. When displayed from a staff in a church or public auditorium, the flag of the United States of America should hold the position of superior prominence, in advance of the audience, and in the position of honor at the clergyman's or speaker's right as he faces the audience. Any other flag so displayed should be placed on the left of the clergyman or speaker or to the right of the audience.

(l) The flag should form a distinctive feature of the ceremony of unveiling a statue or monument, but it should never be used as the covering for the statue or monument.

(m) The flag, when flown at half-staff, should be first hoisted to the peak for an instant and then lowered to the half-staff position. The flag should be again raised to the peak before it is lowered for the day. On Memorial Day the flag should be displayed at half-staff until noon only, then raised to the top of the staff. By order of the President, the flag shall be flown at half-staff upon the death of principal figures of the United States Government and the Governor of a State, territory, or possession, as a mark of respect to their memory. In the event of the death of other officials or foreign dignitaries, the flag is to be displayed at half-staff according to Presidential instructions or orders, or in accordance with recognized customs or practices not inconsistent with law. In the event of the death of a present or former official of the government of any State, territory, or possession of the United States, the Governor of that State, territory, or possession may proclaim that the National flag shall be flown at half-staff. The flag shall be flown at half-staff thirty days from the death of the President or a former President; ten days from the day of death of the Vice President, the Chief Justice or a retired Chief Justice of the United States, or the Speaker of the House of Representatives; from the day of death until interment of an Associate Justice of the Supreme Court, a Secretary of an executive or military department, a former Vice President, or the Governor of a State, territory, or possession; and on the day of death and the following day for a Member of Congress. The flag shall be flown at half-staff on Peace Officers Memorial Day, unless that day is also Armed Forces Day. As used in this subsection—

(1) the term "half-staff" means the position of the flag when it is one-half the distance between the top and bottom of the staff;

(2) the term "executive or military department" means any agency listed under sections 101 and 102 of Title 5; and

(3) the term "Member of Congress" means a Senator, a Representative, a Delegate, or the Resident Commissioner from Puerto Rico.

(n) When the flag is used to cover a casket, it should be so placed that the union is at the head and over the left shoulder. The flag should not be lowered into the grave or allowed to touch the ground.

(o) When the flag is suspended across a corridor or lobby in a building with only one main entrance, it should be suspended vertically with the union of the flag to the observer's left upon entering. If the building has more than one main entrance, the flag should be suspended vertically near the center of the corridor or lobby with the union to the north, when entrances are to the east and west or to the east when entrances are to the north and south. If there are entrances in more than two directions, the union should be to the east.

### Appendix C

#### Respect for flag.

No disrespect should be shown to the flag of the United States of America; the flag should not be dipped to any person or thing. Regimental colors, State flags, and organization or institutional flags are to be dipped as a mark of honor.

(a) The flag should never be displayed with the union down, except as a signal of dire distress in instances of extreme danger to life or property.

(b) The flag should never touch anything beneath it, such as the ground, the floor, water, or merchandise.





- (c) The flag should never be carried flat or horizontally, but always aloft and free.
- (d) The flag should never be used as wearing apparel, bedding, or drapery. It should never be festooned, drawn back, nor up, in folds, but always allowed to fall free. Bunting of blue, white, and red, always arranged with the blue above, the white in the middle, and the red below, should be used for covering a speaker's desk, draping the front of the platform, and for decoration in general.
- (e) The flag should never be fastened, displayed, used, or stored in such a manner as to permit it to be easily torn, soiled, or damaged in any way.
- (f) The flag should never be used as a covering for a ceiling.
- (g) The flag should never have placed upon it, nor on any part of it, nor attached to it any mark, insignia, letter, word, figure, design, picture, or drawing of any nature.
- (h) The flag should never be used as a receptacle for receiving, holding, carrying, or delivering anything.
- (i) The flag should never be used for advertising purposes in any manner whatsoever. It should not be embroidered on such articles as cushions or handkerchiefs and the like, printed or otherwise impressed on paper napkins or boxes or anything that is designed for temporary use and discard. Advertising signs should not be fastened to a staff or halyard from which the flag is flown.
- (j) No part of the flag should ever be used as a costume or athletic uniform. However, a flag patch may be affixed to the uniform of military personnel, firemen, policemen, and members of patriotic organizations. The flag represents a living country and is itself considered a living thing. Therefore, the lapel flag pin being a replica, should be worn on the left lapel near the heart.
- (k) The flag, when it is in such condition that it is no longer a fitting emblem for display, should be destroyed in a dignified way, preferably by burning.

#### **Appendix D**

##### **Conduct during hoisting, lowering or passing of flag.**

During the ceremony of hoisting or lowering the flag or when the flag is passing in a parade or in review, all persons present except those in uniform should face the flag and stand at attention with the right hand over the heart. Those present in uniform should render the military salute. When not in uniform, men should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Aliens should stand at attention. The salute to the flag in a moving column should be rendered at the moment the flag passes.



### 5 CSR 20-200.210 Student Assessment

*PURPOSE: This rule interprets and implements the provisions of the Excellence in Education Act of 1985, section 160.257, RSMo (1994), and the Outstanding Schools Act of 1993, section 160.518, RSMo (1994), which relate to assessment programs in local school districts.*

(1) Each local school district shall develop a written plan for assessing all students (including such special populations as students with disabilities who are eligible to receive special education services; students whose first language is not English; migrant students; and gifted and talented students) which meets the standards for the classification and accreditation of public school districts as set forth in 5 CSR 50-340.010.

(2) Each local plan shall include, at a minimum, all available components of the Missouri Assessment Program developed pursuant to the Outstanding Schools Act of 1993, section 160.518, RSMo (with the exception of those districts for whom a waiver has been granted pursuant to subsections 3 and 4 of section 160.518, RSMo). Such assessments shall be used to monitor the progress of ALL students (other than those who may be exempted as specified by Department of Elementary and Secondary Education guidelines) on the Show-Me Standards, and to identify areas for instructional improvement.

(3) Local districts shall include ALL students in the accountability process as set forth in 5 CSR 30-345.010 and applicable federal regulations.

(4) Local district assessment plans shall include methods to assess student progress on those Show-Me Standards which are not assessed by the Missouri Assessment Program.

(5) Upon request, each local school district shall provide the department its local assessment plan, information about test development procedures (if applicable) or any other assessment information the department may require.

*AUTHORITY: sections 160.257 and 160.518, RSMo 1994. \* This rule previously filed as 5 CSR 50-280.010. Original rule filed July 2, 1986, effective Oct. 27, 1986. Amended: Filed Sept. 26, 1988, effective Jan. 27, 1989. Amended: Filed June 30, 1997, effective Jan. 30, 1998. Moved to 5 CSR 20-200.210, effective Aug. 16, 2011.*

*\*Original authority: 160.257, RSMo 1985 and 160.518, RSMo 1993.*

### 5 CSR 20-200.220 Determining Schools Having High Concentrations of Low-Income Children for Purposes of National Defense Education, National Direct and Federal Perkins Student Loan Cancellation

*PURPOSE: Teachers who have been the recipients of National Defense Education loans, National Direct Student loans or Federal Perkins Student loans may be eligible for partial cancellation of their loans if they are teaching in schools with high concentrations of low-income children. The Department of Elementary and Secondary Education, in cooperation with the United States Department of Education, annually prepares a list of schools having high concentrations of low-income students under criteria provided by the United States Department of Education. This rule sets forth the procedures to be followed by the Department of Elementary and Secondary Education in compiling the list of these schools.*

(1) Schools will be included in the determination on the following bases:

(A) All public school attendance centers, within public school districts which are eligible to participate in Chapter 1 of the Elementary and Secondary Education Act referred to as Chapter 1, and which have submitted requested data, will be included in the determination procedure. Public school attendance centers within public school districts which have not submitted requested data will be excluded from the determination procedure.

(B) All nonpublic schools which have submitted requested data, and which are providing a program of instruction comparable to that provided by public school districts, and which program of instruction includes more than one (1) grade above kindergarten and not higher than grade twelve (12) will be included in the determination procedure. Any nonpublic school which has submitted requested data, and which is providing a program of instruction comparable to that provided by public school districts, but which program of instruction is provided on a non-graded or ungraded basis, will be included in the determination procedure if the ages of students receiving this instruction would cause them ordinarily to be placed in two (2) or more grades above kindergarten and not higher than grade twelve (12). Nonpublic schools which have not submitted requested

data will be excluded from the determination procedure.

(C) Public and nonpublic schools serving handicapped children exclusively, will be included in the determination procedure as set forth in subsection (3)(E) of this rule.

(D) State agency schools serving neglected or delinquent children exclusively, will be included in the determination procedure as set forth in subsection (3)(B) of this rule.

(2) The following data and data sources will be used in making the necessary determination:

(A) Low-income data for public school attendance centers within public school districts which are participating in Chapter 1, will be obtained by an annual survey. The late winter survey will gather information based on January enrollment and free and reduced lunch count. Numerical concentration of low-income children in each school attendance center will be determined by the number of children who are attending the given attendance center and who are members of families eligible for free and reduced lunches under the National School Lunch Act. Percentage concentration of low-income children in each school attendance center will be determined by dividing the number of low-income children enrolled in the school attendance center by the enrollment of the school.

(B) Low-income data for nonpublic schools will be obtained from a survey. Numerical concentration of low-income children in each school will be the number of children enrolled who are estimated by a school official to be members of families whose family income is less than twelve thousand dollars (<\$12,000), or who are members of families eligible to receive free or reduced lunches under the National School Lunch Act. Percentage concentration of low-income children in each nonpublic school will be determined by dividing the estimated number of low-income children enrolled in the school by the enrollment of the school.

(3) The determination of which schools will be submitted to the United States Department of Education as qualifying schools will be made on the following bases:

(A) All public school attendance centers and nonpublic schools for which data are available will be ranked in descending order, first on the basis of numerical concentration of low-income children and second on the basis of percentage concentration of low-income children. Those schools in the highest twelve and one-half percent (12 1/2%) of all schools ranked on the basis of numerical concentration, and those schools in the highest twelve



and one-half percent (12 1/2%) of all schools ranked on the basis of percentage concentration, will be listed for purpose of National Defense Education loan cancellation.

(B) All state agency schools serving neglected or delinquent children exclusively, will be listed for the National Defense Education loan, National Direct Student loan, and Federal Perkins Student loan cancellation purposes without regard for numerical or percentage concentration of low-income children.

(C) The total number of schools listed for purposes of National Defense Education loan cancellation will not exceed twenty-five percent (25%) of all public school attendance centers and nonpublic schools included in the determination.

(D) Schools listed for purposes of National Direct Student loan and Federal Perkins Student loan cancellation will be those that have a concentration of at least thirty percent (30%) low-income children.

(E) Public school attendance centers, nonpublic schools and state agency schools serving handicapped children exclusively will not be listed. All these schools will be considered as qualifying for the National Defense Education loan, National Direct Student loan and Federal Perkins Student loan cancellation purposes.

*AUTHORITY: sections 178.430 and 178.440, RSMo 1986. \* This rule previously filed as 5 CSR 50-300.010. Original rule filed Dec. 24, 1975, effective Jan. 3, 1976. Rescinded and readopted: Filed Jan. 27, 1993, effective Aug. 9, 1993. Moved to 5 CSR 20-200.220, effective Aug. 16, 2011.*

*\*Original authority: 178.430, RSMo 1963; 178.440, RSMo 1963.*

### 5 CSR 20-200.250 Standards for Innovative and Experimental Programs

*PURPOSE: This rule provides specific policies governing off-campus programs and teacher aide programs.*

(1) Off-Campus Instruction and Work Experience Programs.

(A) The Department of Elementary and Secondary Education (DESE) recognizes and will approve four (4) types of off-campus programs for students who are sixteen (16) years old or older and juniors or seniors in high school, except that handicapped students must be only sixteen (16) years old or older: academic programs, cooperative vocational education programs, work experience programs for special education students and career exploration programs. School districts

may offer other types of off-campus programs without departmental approval but the students enrolled in them may not be counted in membership and attendance for state aid purposes, and the students enrolled in unapproved programs may not be granted high school credit for the off-campus experience.

1. Off-campus academic programs are programs for students who are enrolled in advanced academic or fine arts classes and which have as their goals the acquisition of specialized knowledge and the ability to apply the knowledge to situations which cannot be replicated in a school classroom.

2. Cooperative vocational education programs are programs developed and implemented in accordance with the *Handbook for Vocational Education*, which is filed as an administrative rule of the Division of Career and Adult Education at 5 CSR 60-120.020.

3. Work experience programs for special education students are programs developed and implemented in accordance with State Plan for Part B of the Education of the Handicapped Act, which is filed as an administrative rule of the Division of Special Education at 5 CSR 70-742.140.

4. Career exploration programs are programs designed to provide students exposure to a variety of occupations as practices on the job site so they may develop their own occupational objectives from direct experience. Students in career exploration programs may spend no more than nine (9) weeks at a particular job site, and then must be rotated through other job sites of interest at least every nine (9) weeks for the duration of the program.

5. Students in cooperative vocational education programs and work experience programs for special education students may be paid for work performed at off-campus locations and will normally be covered by the cooperating sponsors' Workers' Compensation insurance and general liability insurance. Students in off-campus academic programs and in career exploration programs are not expected to perform productive work at off-campus assignments and may not receive pay for their experience in the programs. School districts must arrange for liability insurance to cover accidental injury and job-related illness insurance for students and liability insurance to cover any injuries or damages caused by students on the sponsor's premises. The school district should also provide liability insurance to protect the supervising teacher and any other school district employees who might be exposed to liability risk due to the placement of students in off-campus programs.

(B) Students in off-campus programs must

be adequately supervised by appropriately qualified teachers employed by the public school district and must be working or studying under a written instructional plan, cooperatively developed between the supervising teacher or coordinator and appropriate persons at the off-campus site. The written plan must set forth specific measurable objectives to be achieved by the student and describe a plan for evaluating student achievement. Students are considered to be adequately supervised by appropriately qualified teachers if the following standards are met:

1. Teachers supervising off-campus academic programs must be certificated in the subject in which related instruction is provided and must have assigned time for supervision at the rate of one (1) class period daily for each ten (10) participating students;

2. Teachers supervising cooperative vocational education programs must be certificated in accordance with 5 CSR 60-120.020 and must be provided supervision time in accordance with that rule;

3. Teachers supervising work experience programs for special education students must be certificated in accordance with 5 CSR 70-742.140 and must be provided supervision time in accordance with that rule;

4. Teachers supervising off-campus career exploration programs must be certificated as secondary social studies teachers or as guidance counselors and must be provided supervision time at the rate of one (1) class period daily for each fifteen (15) participating students; and

5. If any part of the off-campus program is scheduled outside the regular six (6)-hour school day, the school district must pay the supervising teacher or coordinator for the outside-of-school-hours time necessary to provide the required amount of supervision time.

(C) Off-campus students must be enrolled in and receiving related classroom instruction in the regular high school program before credit may be awarded for off-campus study or work experience. This restriction does not apply to handicapped students whose Individual Education Programs (IEP) indicate full-time work experience or to students participating in Option One of the Trade and Industrial/Health Occupations Internship program. Related instruction must be provided daily for at least one (1) class period for students in cooperative vocational education programs and may be provided less frequently than daily for other types of off-campus programs. In every case, the related instruction must be sufficient to justify the granting of at least one-half (1/2) unit of credit. In addition to credit for related instruction, students may



be granted credit for the off-campus experiences under the following standards:

1. Students may be awarded one (1) unit of credit for ten to nineteen (10–19) hours weekly of off-campus study or work experience, which totals between three hundred and six hundred (300–600) hours during a school year; or two (2) units of credit for twenty (20) or more hours weekly of off-campus study or work experience, which would total over six hundred (600) hours during a school year;

2. No more than two (2) units of credit, or twice the number of units of credit granted for related instruction, whichever is less, may be awarded for off-campus study or work experience during any school year for off-campus academic programs, cooperative vocational education programs and career exploration programs;

3. Handicapped students whose IEPs indicate a need for additional work experience to make the transition from school to an occupation may earn up to four (4) units of credit during an academic year for off-campus work experience. The additional credit will be based on increments of twenty to thirty (20–30) hours weekly and from thirty to forty (30–40) hours weekly of supervised work experience; and

4. High school credit awarded students for off-campus programs will be assigned to subject areas on the basis of the certification of the supervising teacher or coordinator, the related regular classroom instruction, and the nature of the off-campus program. Credit granted for off-campus instruction or work experience shall be counted as elective credit. Off-campus credit may be counted toward meeting the classification and accreditation standards for curriculum only when approved in the areas of Trade and Industrial, Technical, Health Occupations and Cooperative Occupational Education/Distributive Education (COE/DE). Other types of off-campus credit may not be counted toward meeting the curriculum standards.

(D) Community Learning Sponsor.

1. A learning sponsor shall have competence, knowledge and skill to provide effective and worthwhile instruction in the learning activities; have good facilities which support the learning activities to be conducted; make definite commitments to assist pupils in the learning activities; maintain a safe and wholesome learning atmosphere for young people; participate in planning, directing and evaluating the instructional program; and make periodic reports to the assigned teacher on the educational progress of the pupil.

2. It shall be the responsibility of the local public school personnel assigned to off-campus instruction to make the previous

determinations and obtain necessary cooperation and commitments. It is recommended that agreements be reduced to written form.

(E) Pupils shall meet the minimum age requirements and other provisions of the laws for the off-campus learning activity in which they engage; not replace regular employees at the off-campus community learning station; have parent or guardian consent to participate in the off-campus learning activities; be limited to off-campus instruction which is related to his/her interest, ability and course of study; attend regularly and demonstrate a willingness to learn from the off-campus instruction activities; attend on-campus classes of the public school for at least half time; and be regularly enrolled full-time in the public school program.

(F) Instruction.

1. A principal and counselor shall work with the instructional staff in approval of pupils participating in appropriate off-campus activities.

2. The teacher and pupil shall plan an educational project with written behavioral objectives relating to the pupil's course of study. The educational project shall include a written plan of learning activities developed cooperatively by the teacher, learning sponsor and pupil. A definite written schedule of conferences between teacher and pupil and on-site visits shall be developed and carried out.

3. A written evaluation plan shall be developed cooperatively by the pupil, teacher and learning sponsor prior to initiation of off-campus instruction.

(G) School districts wishing to establish and implement off-campus instructional or work experience programs must submit written proposals annually, and in advance of the beginning date of the program, for review and action by the appropriate section of the DESE. Written proposals to establish off-campus academic programs and career exploration programs must be submitted to the director, supervision of instruction; proposals to establish cooperative vocational education programs must be submitted to the appropriate section of the Division of Career and Adult Education; and written proposals for work experience programs for special education students must be submitted to the Division of Vocational Rehabilitation. School districts will be notified of the action taken by the department.

(H) A school district that plans off-campus educational activities in compliance with these policies and statutory provisions regulating the school day, compulsory school attendance, computation of average daily attendance, etc., will have a program that

would qualify participating pupils to be counted for regular state aid if they meet all other requirements. Pupils who simply want to work part of the day do not qualify for attendance for state aid.

(2) Teacher Aide Program for High School Students.

(A) Teacher aide programs for high school students may be established in accordance with the provisions for innovation and experimental programs which supplement, improve or enrich the educational program.

(B) The student teacher aide program must be closely supervised by the school district's certificated teachers since Missouri law requires a school day of six (6) hours in which pupils are under the guidance and direction of teachers in the teaching process for both compulsory attendance and state aid purposes.

(C) Meaningful educational experiences shall be planned for participants in the program so that each day's activities will provide learning experiences for students.

(D) Provisions should be made for teaching the students how to tutor and the steps to be followed in the tutoring process before they are permitted to tutor pupils.

(E) The certificated staff member who sponsors the program should have sufficient time available to confer with the supervising teachers and to conduct regular group and individual conferences with the high school tutors. If there are as many as ten (10) tutors in the school scheduled for tutoring one (1) or two (2) periods daily, the sponsor should have the equivalent of at least one (1) period daily to supervise and confer with a maximum of thirty (30) tutors. One (1) additional period daily should be provided when the number of tutors exceeds thirty (30) and one (1) additional period for each additional thirty (30) tutors in the program.

(F) A list of the responsibilities of the sponsoring teacher, building principal, supervising teacher and student shall be developed in writing and disseminated to all concerned. All activities of the student must be under the direct control of a certificated teacher of the public school district.

(G) Provisions for evaluating effectiveness of the program should be developed during the planning stages and the program shall be evaluated at least annually.

*AUTHORITY: section 161.092, RSMo 1986.\* This rule previously filed as 5 CSR 50-340.090. Original rule filed Dec. 24, 1975, effective Jan. 3, 1976. Amended: Filed April 12, 1983, effective Aug. 15, 1983. Moved to 5 CSR 20-200.250, effective Aug. 16, 2011.*



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

5 CSR 20-200.260 Academic Standards

PURPOSE: Section 160.514, RSMo requires the State Board of Education to adopt academic standards which establish the knowledge, skills and competencies necessary for students to successfully advance through the public elementary and secondary education system of this state. This rule establishes those academic standards.

(1) The following academic standards establish the minimum knowledge base, skills and competencies necessary for students to successfully advance through the public elementary and secondary education system of this state; prepare students for post-secondary education or the workplace or both; and are necessary in this era to preserve the rights and liberties of the people. The standards incorporate both what students should know and be able to do.

(A) Goal 1. Students in Missouri public schools will acquire the knowledge and skills to gather, analyze and apply information and ideas. Students will demonstrate within and integrate across all content areas the ability to—

- 1. Develop questions and ideas to initiate and refine research;
2. Conduct research to answer questions and evaluate information and ideas;
3. Design and conduct field and laboratory investigations to study nature and society;
4. Use technological tools and other resources to locate, select and organize information;
5. Comprehend and evaluate written, visual and oral presentations and works;
6. Discover and evaluate patterns and relationships in information, ideas and structures;
7. Evaluate the accuracy of information and the reliability of its sources;
8. Organize data, information and ideas into useful forms (including charts, graphs, outlines) for analysis or presentation;
9. Identify, analyze and compare the institutions, traditions and art forms of past and present societies; and
10. Apply acquired information, ideas and skills to different contexts as students, workers, citizens and consumers.

(B) Goal 2. Students in Missouri public schools will acquire the knowledge and skills to communicate effectively within and beyond the classroom. Students will demonstrate within and integrate across all content areas the ability to—

- 1. Plan and make written, oral and visual presentations for a variety of purposes and audiences;
2. Review and revise communications to improve accuracy and clarity;
3. Exchange information, questions and ideas while recognizing the perspectives of others;
4. Present perceptions and ideas regarding works of arts, humanities and sciences;
5. Perform or produce works in the fine and practical arts;
6. Apply communication techniques to the job search and to the workplace; and
7. Use technological tools to exchange information and ideas.

(C) Goal 3. Students in Missouri public schools will acquire the knowledge and skills to recognize and solve problems. Students will demonstrate within and integrate across all content areas the ability to—

- 1. Identify problems and define their scope and elements;
2. Develop and apply strategies based on ways others have prevented or solved problems;
3. Develop and apply strategies based on one's own experience in preventing or solving problems;
4. Evaluate the processes used in recognizing and solving problems;
5. Reason inductively from a set of specific facts and deductively from general premises;
6. Examine problems and proposed solutions from multiple perspectives;
7. Evaluate the extent to which a strategy addresses the problem; and
8. Assess costs, benefits and other consequences of proposed solutions.

(D) Goal 4. Students in Missouri public schools will acquire the knowledge and skills to make decisions and act as responsible members of society. Students will demonstrate within and integrate across all content areas the ability to—

- 1. Explain reasoning and identify information used to support decisions;
2. Understand and apply the rights and responsibilities of citizenship in Missouri and the United States;
3. Analyze the duties and responsibilities of individuals in societies;
4. Recognize and practice honesty and integrity in academic work and in the workplace;
5. Develop, monitor and revise plans of action to meet deadlines and accomplish goals;
6. Identify tasks that require a coordinated effort and work with others to complete those tasks;

- 7. Identify and apply practices that preserve and enhance the safety and health of self and others; and
8. Explore, prepare for and seek educational and job opportunities.

(E) Communication Arts. In communication arts, students in Missouri public schools will acquire a solid foundation which includes proficiency in—

- 1. Speaking and writing standard English (including grammar, usage, punctuation, spelling, capitalization);
2. Reading and evaluating fiction, poetry and drama;
3. Reading and evaluating nonfiction works and material (such as biographies, newspapers, technical manuals);
4. Writing formally (such as reports, narratives, essays) and informally (such as outlines, notes);
5. Comprehending and evaluating the content and artistic aspects of oral and visual presentations (such as story-telling, debates, lectures, multimedia presentations);
6. Participating in formal and informal presentations and discussions of issues and ideas; and
7. Identifying and evaluating relationships between language and culture.

(F) Fine Arts. In fine arts, students in Missouri public schools will acquire a solid foundation which includes knowledge of—

- 1. Process and techniques for the production, exhibition or performance of one (1) or more of the visual or performed arts;
2. The principles and elements of different art forms;
3. The vocabulary to explain perceptions about and evaluations of works in dance, music, theater and visual arts;
4. Interrelationships of visual and performing arts and the relationships of the arts to other disciplines; and
5. Visual and performing arts in historical and cultural contexts.

(G) Health/Physical Education. In health/physical education, students in Missouri public schools will acquire a solid foundation which includes knowledge of—

- 1. Structures of, functions of, and relationships among human body systems;
2. Principles and practices of physical and mental health (such as personal health habits, nutrition, stress management);
3. Diseases and methods for prevention, treatment and control;
4. Principles of movement and physical fitness;
5. Methods used to assess health, reduce risk factors, and avoid high risk behaviors (such as violence, tobacco, alcohol and other drug use);



6. Consumer health issues (such as the effects of mass media and technology on safety and health); and

7. Responses to emergency situations.

(H) Mathematics. In mathematics, students in Missouri public schools will acquire a solid foundation which includes knowledge of—

1. Addition, subtraction, multiplication and division; other number sense, including numeration and estimation; and the application of these operations and concepts in the workplace and other situations;

2. Geometric and spatial sense involving measurement (including length, area, volume), trigonometry, and similarity and transformations of shapes;

3. Data analysis, probability and statistics;

4. Patterns and relationships within and among functions and algebraic, geometric and trigonometric concepts;

5. Mathematical systems (including real numbers, whole numbers, integers, fractions), geometry, and number theory (including primes, factors, multiples); and

6. Discrete mathematics (such as graph theory, counting techniques, matrices).

(I) Science. In science, students in Missouri public schools will acquire a solid foundation which includes knowledge of—

1. Properties and principles of matter and energy;

2. Properties and principles of force and motion;

3. Characteristics and interactions of living organisms;

4. Changes in ecosystems and interactions of organisms with their environments;

5. Processes (such as plate movement, water cycle, air flow) and interactions of earth's biosphere, atmosphere, lithosphere and hydrosphere;

6. Composition and structure of the universe and the motions of the objects within it;

7. Processes of scientific inquiry (such as formulating and testing hypothesis); and

8. Impact of science, technology and human activity on resources and the environment.

(J) Social Studies. In social studies, students in Missouri public schools will acquire a solid foundation which includes knowledge of—

1. Principles expressed in the documents shaping constitutional democracy in the United States;

2. Continuity and change in the history of Missouri, the United States and the world;

3. Principles and process of governance systems;

4. Economic concepts (including productivity and the market system) and principles (including the laws of supply and demand);

5. The major elements of geographical study and analysis (such as location, place, movement, regions) and their relationships to changes in society and environment;

6. Relationships of the individual and groups to institutions and cultural traditions; and

7. The use of tools of social science inquiry (such as surveys, statistics, maps, documents).

*AUTHORITY: section 160.514, RSMo 1994. \* This rule previously filed as 5 CSR 50-375.100. Original rule filed Oct. 25, 1995, effective May 30, 1996. Moved to 5 CSR 20-200.260, effective Aug. 16, 2011.*

*\*Original authority: 160.514, RSMo 1993.*

#### **5 CSR 20-200.270 Student Suicide Prevention Programs**

*PURPOSE: This rule establishes procedures for the establishment or expansion of student suicide prevention programs.*

(1) The Department of Elementary and Secondary Education (DESE) will authorize a four (4)-year competitive grant program to Missouri public school districts to fund or defray the cost of establishment or expansion of student suicide prevention programs based upon legislative appropriation.

(2) Grant applications shall be made available annually by contacting the Guidance and Placement Services Section, DESE, P.O. Box 480, Jefferson City, MO 65102-0480. Applications shall include, but may not be limited to:

(A) Grantee's name, title and contact information;

(B) Description of any current or proposed student suicide prevention program:

1. If a student suicide prevention program exists, demonstrate a need for an improved program; and

2. An explanation of how the grant funds will implement or improve the program;

(C) Statements of assurance that the grantee will:

1. Comply with all reporting requirements of DESE relating to this grant award program; and

2. Recipients of grants must expend funds during the period which begins on the date DESE approves a proposal and ends the following June 30;

(D) A four (4)-year plan of implementation which addresses each of the program requirements, including:

1. A listing of major goals; and

2. A listing of procedures demonstrating the way the goals of the suicide prevention program will be executed including activities and time lines for each goal;

(E) A detailed line item budget of grant fund expenditures for year one (1) and anticipated expenditures for years two (2), three (3), and four (4); and

(F) A comprehensive plan to annually evaluate the effectiveness of the student suicide prevention program.

(3) The program grants that demonstrate the following will be given preference for approval:

(A) Activities designed to include teacher, counselor and administrator training in student suicide prevention programs;

(B) Implementation of skills based instruction targeting students at-risk;

(C) Activities to reinforce classroom instruction such as:

1. Development of public information messages;

2. Service learning;

3. Student-parent activities; and/or

4. Peer education activities; and/or

(D) Programs that include a parental involvement component.

(4) Grant funding will be awarded on a competitive basis and may be limited by availability of grant funds:

(A) Grants will be distributed in equal amounts within geographic areas established by DESE, proportionately based on student population. DESE may reallocate funds if an area has insufficient applications or insufficient eligible applications to obligate all funds for the area.

(5) The school district will keep records according to generally accepted accounting principles, and will provide any information necessary for fiscal and program auditing. All such records and supporting documents will be retained in accordance with current federal and state laws and regulations.

(6) Allowable expenditures for grants may only be used to pay for:

(A) Salaries and benefits;

(B) Materials and supplies;

(C) Equipment;

(D) Professional development; and/or

(E) Administration costs of awarded funds which do not exceed five percent (5%) of the grant.



(7) Grantees shall submit a mid-year report and a year-end report of every grant funded yearly. Continued funding will be contingent upon the accurate reports that are approved by DESE. These reports must contain, but are not limited to:

(A) A measure of progress demonstrating the recipients compliance with stated outcomes in the application;

(B) A detailed line item budget of expenditures;

(C) The number of students served by grant funds; and

(D) The number of teachers, counselors, and administrators provided training.

(8) Grants may be eligible for renewal for an additional four (4)-year period, based in part on results of the first four (4)-year grant.

(9) Grant applications from nonschool districts must provide a document of cooperation, approved by DESE, that assures cooperation between grantee and the sponsoring school district.

*AUTHORITY: section 161.235, RSMo 2000.\* This rule previously filed as 5 CSR 60-120.080. Original rule filed Dec. 7, 2000, effective July 30, 2001. Moved to 5 CSR 200.270, effective Aug. 16, 2011.*

*\*Original authority: 161.235, RSMo 2000.*

#### **5 CSR 20-200.280 Private School Agricultural Programs**

*PURPOSE: The State Board of Education is charged by section 178.530, RSMo, to establish standards for agricultural education programs that may be adopted by a private school. In meeting these standards, a private school will be able to demonstrate that an agricultural education program provides quality vocational programming and qualify for approval of local chapters of a federally chartered national agricultural education association.*

(1) The following standards are adopted for the approval of agricultural education programs provided by a private school pursuant to section 178.530, RSMo:

(A) The private school shall be accredited by an agency recognized by the United States Department of Education; and

(B) The private school shall provide evidence of quality vocational programming consistent with standards by the Department of Elementary and Secondary Education (department) and consistent with the following standards for agricultural education pro-

grams:

1. A written curriculum for all agriculture courses has been developed with input from the community, students, and administration and includes the identification of specific goals and objectives, Supervised Agricultural Experience (SAE) supervision, and leadership instruction;

2. The agriculture program has the resources necessary to implement and deliver the curriculum and to adapt to the needs of students;

3. Each instructor is qualified and participates in professional development activities;

4. All students will have the opportunity to enroll in the agriculture education program;

5. Year-round student leadership development activities are integrated into the agriculture program and are supervised by the local agriculture instructor(s);

6. A SAE Program is an essential part of the agriculture program;

7. Clean, attractive, and safe facilities and equipment are provided to support the curriculum and meet the needs of students;

8. Safety is incorporated into all phases of the agriculture program;

9. Community support and involvement are facilitated through a comprehensive program targeted to all program stakeholders;

10. A record of student enrollment, placement, and follow-up activities is maintained and used in program planning and development; and

11. Input from students, parents, staff members, and community representatives is used to develop and implement the agriculture program's goals and objectives.

(2) Any student who is regularly enrolled in a secondary (grades 9-12) agricultural education program approved under these standards shall be entitled to become an active member of a chartered Future Farmers of America (FFA) chapter.

*AUTHORITY: sections 161.092 and 178.530, RSMo Supp. 2012.\* Original rule filed Oct. 25, 2012, effective May 30, 2013.*

*\*Original authority: 161.092, RSMo 1963, amended 1973, 2002, 2003 and 178.530, RSMo 1963, amended 1977, 1991, 1995, 2012.*