

Rules of
Department of Elementary and
Secondary Education

Division 30—Division of School Services
Chapter 340—Academically Deficient Schools

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

**Division 30—Division of School Services
Chapter 340—Academically Deficient
Schools**

**5 CSR 30-340.010 Policies and Standards
Relating to Academically Deficient Schools**

PURPOSE: This rule establishes the criteria and procedures to be used to identify academically deficient schools and sets the standards to be used for an educational audit in order to implement section 160.538, RSMo.

(1) For the purposes of this rule—

(A) A “school” shall mean a grouping of grade levels reported by a school district under a building number used for reporting school data to the Department of Elementary and Secondary Education. A physical structure may contain more than one (1) “school.” A school designated as an elementary school, a middle school, a junior high school or a high school and assigned a number by the department shall be included in the listing of schools subject to this rule;

(B) “Concerned school” means any school which meets the criteria in subsections (2)(A) and (2)(B) using the results of the Missouri Assessment Program (MAP), the assessment system developed pursuant to the provisions of section 160.518, RSMo. Only schools containing one (1) or more of the assessed grade levels shall be considered as a concerned school;

(C) “State-determined academically deficient school” shall mean a concerned school whose MAP results for two (2) consecutive testing years place the school in the lowest fifty (50) schools when considering the percent of students who score in Step 1 and progressing on the MAP and who are identified as academically deficient by the State Board of Education;

(D) “Locally determined academically deficient school” shall mean a school in a district whose graduation rate is below sixty-five percent (65%) as defined in section 160.011, RSMo, that meets the fifteen percent (15%) criteria set in subsection (2)(B) and is determined to be academically deficient by the local board of education;

(E) “Certificated staff member in the school” shall include any member of the certificated staff of the school during the year the tests were given, the results of which caused the school to be declared academically deficient or was a member of the staff during all or part of the time from the first audit team visit to the second audit team visit and

continues to be employed in the school district; and

(F) “Contributing teacher” is any certificated staff member in an academically deficient school or who taught students prior to their entering that school and whose students perform poorly for two (2) or more years as determined by local board of education policy. Through policy, local boards of education may establish teacher performance expectations based upon student achievement results to further define a contributing teacher.

(2) Determination of academically deficient schools by the state—

(A) The list of potential concerned schools will first be made by identifying all schools in K-12 districts whose average graduation rate for the most recent three (3) years is lower than one (1) standard deviation below the mean graduation rate for all K-12 districts for the most recent three (3) years in addition to all schools in K-8 districts;

(B) Concerned schools will be those from subsection (2)(A) that have fifteen percent (15%) or more students in Step 1 and progressing using the MAP. This percent will be determined by adding the numbers of students scoring at the Step 1 and progressing levels in each subject area assessed in the school for the most recent two (2) years. That sum will be divided by the corresponding sum of the “reportable students” on the same MAP assessments administered in that school, and will be stated as a percent, carried to four (4) places;

(C) Each year, the lowest fifty (50) concerned schools will be considered for an educational audit. The lowest fifty (50) schools will be determined by ranking of the percent of students scoring in Step 1 and progressing as determined by applying the criteria in subsection (2)(B). No more than five (5) schools in one (1) school district shall be identified for an audit in any one (1) year; therefore, if five (5) schools are identified from one (1) district prior to identifying a total of fifty (50) schools, all other schools from that district will be removed from consideration and the next lowest schools from the remaining list will be identified until the total is fifty (50). Schools identified as academically deficient in a single district shall not exceed ten (10). At no time can there be more than a total of one hundred (100) schools either identified for an audit team or awaiting the second audit team visit;

(D) Within sixty (60) days of the identification of a concerned school, the State Board of Education shall appoint an audit team of at least ten (10) people as described in section 160.538.2(4), RSMo, and designate the

chairperson of the committee for any school identified in the lowest fifty (50) as determined by subsections (2)(A), (B) and (C). A member of an audit or management team cannot be from an adjoining school district. A Department of Elementary and Secondary Education state supervisor cannot be on a team relating to an academically deficient school in a school district which she/he supervises;

(E) If, after considering relevant information and data provided by the school, the audit team finds that the school is an academically deficient school, the audit team shall determine the factors that contributed to the lack of student achievement which resulted in that finding using research based educational practices and the Missouri School Improvement Program (MSIP) Performance Standards. The audit team shall report the factors and the findings to the State Board of Education within one hundred twenty (120) days of its appointment. An audit team which finds a reasonable explanation for the low state assessment scores shall report such to the State Board of Education;

(F) The State Board of Education shall declare any school which an audit team finds academically deficient to be academically deficient. The State Board of Education shall, within sixty (60) days of its decision, appoint a management team of at least ten (10) people as described in section 160.538.2(4), RSMo, for each school so designated. A management team may serve more than one (1) school. No person, except Department of Elementary and Secondary Education personnel, can serve on a management team while serving on an audit team for the same school;

(G) Within sixty (60) days of their appointment, the management team shall study the audit report and the factors that contribute to the deficiency and shall make recommendations that the team believes are appropriate and necessary in the management and administration of the school to promote increased student achievement. With consideration given to the financial condition of the district and the school, the team may make recommendations that local resources be more effectively utilized, additional local resources be given to the school, and/or that additional state resources be allocated to the school. The items outlined in section 160.538.2(5), RSMo, and section 160.538.5, RSMo, shall be considered in the recommendations to the state board. The State Board of Education shall allocate from the “statewide areas of critical need” money to fund the operation of the management teams and to provide resources specified by the management teams



needed in the academically deficient school and approved by the State Board of Education pursuant to section 160.530.2(1), RSMo;

(H) A school which has received the second visit of the audit team and remains an academically deficient school shall not be counted against the maximum number of schools referred to subsections (1)(C) through (G) or be placed in the listing of schools from lowest to highest pursuant to subsection (2)(C); and

(I) A school shall remain an academically deficient school until the second educational audit is conducted at least two (2) school years after the year of the filing of the management team’s report with the State Board of Education and the audit determines the building to be no longer academically deficient and so recommends to the State Board of Education.

1. If a school is found to be still academically deficient after the second educational audit—

A. Then the local board may suspend, after due process, the indefinite contracts of “contributing teachers”;

B. The commissioner of education may, upon recommendations of the second audit team, conduct a recall election of board members;

C. The local board may not grant tenure to any probationary teacher until one (1) year after the academically deficient designation is lifted; and

D. The local board may not issue new contracts or renew contracts to either the superintendent or the principal for a period of longer than one (1) year (section 160.538.4, RSMo).

2. The building will remain an academically deficient school until the State Board of Education determines that performance on the MAP has improved sufficiently to warrant the change in status.

(3) Determination of academically deficient schools by the local board of education:

(A) A local board may designate a school within its jurisdiction as an academically deficient school if that school is a concerned school and meets the criteria set out in subsection (2)(B); and

(B) The board may suspend or terminate contracts of contributing teachers, principal, and any administrators having responsibility for the school, subject to sections 168.114 to 168.120, RSMo or section 168.221, RSMo, whichever is applicable, and reconstitute the school with new teachers and administrative staff.

AUTHORITY: sections 160.538.1 and 160.538.2, RSMo Supp. 1998. Original rule filed Sept. 5, 1996, effective March 30, 1997. Rescinded and readopted: Filed March 22, 1999, effective Sept. 30, 1999.*

**Original authority: 160.538.1 and .2, RSMo 1993, amended 1998.*