

Rules of
Department of Elementary and
Secondary Education
Division 50—Division of Instruction
Chapter 321—Consolidated Federal
Programs

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**Title 5—DEPARTMENT OF
ELEMENTARY AND
SECONDARY EDUCATION
Division 50—Division of Instruction
Chapter 321—Consolidated Federal
Programs**

**5 CSR 50-321.010 General Provisions Govern-
ing the Consolidated Grants Under the
Improving America's Schools Act**

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

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

AUTHORITY: section 178.430, RSMo (1994). * Original rule filed April 29, 1997, effective Nov. 30, 1997.

*Original authority 1963.

**5 CSR 50-321.100 General Provisions,
Emergency Immigrant Education Program**

PURPOSE: The Department of Elementary and Secondary Education (the department) has the authority to receive and expend federal funds for educational programs and to establish rules for the administration of the programs in accordance with controlling federal statutes and regulations. This rule sets forth the provisions governing programs operated under Part C, Title VII of the Elementary

and Secondary Education Act of 1965 as amended by P.L. 103-382, Emergency Immigrant Education Program. This rule incorporates by reference the applicable federal statutes, under which the department operates the program.

Editor's Note: The following material is incorporated into this rule by reference:

1) Part C, Title VII, Elementary and Secondary Education Act, 1995 (Washington: U.S. Government Printing Office, 1995).

In accordance with section 536.031(4), RSMo, the full text of material incorporated by reference will be made available to any interested person at the Office of the Secretary of State and the headquarters of the adopting state agency.

(1) All programs implemented with funds under the Emergency Immigrant Education Program shall be conducted in conformity with—

(A) Part C, Title VII of the Elementary and Secondary Education Act of 1965 as amended, Emergency Immigrant Education Program (P.L. 103-382) which is the basic legislation for the program; and

(B) Missouri's Application for Federal Assistance under the Emergency Immigrant Education Program which establishes the local educational agencies eligible to receive funding.

(2) Any rule or interpretation promulgated by the State Board of Education in exercising its responsibilities under the Emergency Immigrant Education Program may be waived by the assistant commissioner, Division of Instruction, upon his/her determination that a situation exists in which the application of the rule or interpretation would work an extreme hardship upon the affected party, or would work to the detriment of the intended beneficiaries of the program. The waiver authority does not extend to rules promulgated by the United States Department of Education which are adopted by the State Board of Education as a condition of accepting funds under the Emergency Immigrant Education Program.

AUTHORITY: section 178.430, RSMo (1994). * Original rule filed Feb. 27, 1990, effective June 28, 1990. Amended: Filed March 29, 1995, effective Oct. 30, 1995.

*Original authority 1963.

**5 CSR 50-321.200 General Provisions, For-
eign Languages Assistance Program**

PURPOSE: The Department of Elementary and Secondary Education (the department) has the authority to receive and expend federal funds for educational programs and to establish rules for administration of the program in accordance with controlling statutes and regulations. This rule sets forth the general provisions governing programs operated under Title II, Part B, Foreign Languages Assistance Act, of the Elementary and Secondary Amendments, P.L. 100-297. This rule incorporates by reference the *Notice of Final Interpretations* for the program dated January 30, 1992 and the *Administrative Manual for the Foreign Languages Assistance Program*.

Editor's Note: The following material is incorporated into this rule by reference:

1) *Notice of Final Interpretations, Federal Register, Volume 57, Number 20, January 30, 1992* (Washington: U.S. Government Printing Office, 1992);

2) *The Foreign Languages Assistance Program Administrative Manual* (Jefferson City: Missouri Department of Education, Division of Instruction, 1995).

In accordance with section 536.031(4), RSMo, the full text of material incorporated by reference will be made available to any interested person at the Office of the Secretary of State and the headquarters of the adopting state agency.

(1) All programs and projects implemented with funds under the Foreign Languages Assistance Act shall be conducted in conformity with—

(A) The Elementary and Secondary Education Act Amendments of 1988 (P.L. 100-297);

(B) The *Notice of Final Interpretations* published in the *Federal Register*, Volume 57, Number 20, January 30, 1992, which is incorporated by reference and provides interpretations and definitions; and

(C) The state *Administrative Manual for the Foreign Languages Assistance Program*, which is incorporated in this rule by reference, and provides guidance and interpretation of federal statutory and regulatory requirements for the program as applied in the school districts of Missouri and also establishes program management procedures consistent with state law and practices.

(2) Any rule or interpretation promulgated by the State Board of Education in exercising its

responsibilities under the Foreign Languages Assistance Program may be waived by the assistant commissioner, Division of Instruction, upon his/her determination that a situation exists in which the application of the rule or interpretation would work an extreme hardship upon the affected party, or would work to the detriment of the intended beneficiaries of the program. The waiver authority does not extend to rules promulgated by the United States Department of Education, which are adopted by the State Board of Education as a condition of accepting funds under the Foreign Languages Assistance Program.

AUTHORITY: section 178.430, RSMo (1986). * Original rule filed June 26, 1992, effective Feb. 26, 1993.

*Original authority 1963.

5 CSR 50-321.300 General Provisions, Stewart B. McKinney Homeless Assistance Act

PURPOSE: The Department of Elementary and Secondary Education (the department) has the authority to receive and expend federal funds for educational programs and to establish rules for administration of the program in accordance with controlling statutes and regulations. This rule sets forth the general provisions governing programs operated under the Stewart B. McKinney Homeless Assistance Act, P.L. 100-77, as amended by Title III of the Improving America's Schools Act of 1994, P.L. 103-382. This rule incorporates by reference the state *Administrative Manual for the Education of Homeless Children and Youth*.

Editor's Note: The following material is incorporated into this rule by reference:

- 1) Stewart B. McKinney Homeless Assistance Act, P.L. 100-77, Title III, Improving America's Schools Act 1994 (Washington: U.S. Government Printing Office, 1994);
- 2) *Meeting the Needs of Missouri's Homeless Children and Youth Administrative Manual* (Jefferson City: Missouri Department of Education, Division of Instruction, 1995).

In accordance with section 536.031(4), RSMo, the full text of material incorporated by reference will be made available to any interested person at the Office of the Secretary of State and the headquarters of the adopting state agency.

(1) All programs, activities and projects implemented with funds under the Stewart B.

McKinney Homeless Assistance Act shall be conducted in conformity with—

(A) The Stewart B. McKinney Homeless Assistance Act, P.L. 100-77 as amended by Title III of the Improving America's Schools Act of 1994, P.L. 103-382;

(B) The state *Administrative Manual for the Education of Homeless Children and Youth* is incorporated here by reference and provides guidance and interpretation of federal statutory and regulatory requirements for the program as applied to the school districts of Missouri and also establishes program management procedures consistent with state law and practices.

(2) Any rule, or interpretation promulgated by the State Board of Education in exercising its responsibilities under the Stewart B. McKinney Homeless Assistance Act as amended may be waived by the assistant commissioner, Division of Instruction, upon his/her determination that a situation exists in which the application of that rule, or interpretation would work an extreme hardship upon the affected party, or would work to the detriment of the intended beneficiaries of the program. The waiver authority does not extend to regulations promulgated by the United States Department of Education, which are a condition of accepting funds under the Stewart B. McKinney Homeless Assistance Act.

AUTHORITY: section 178.430, RSMo (1994). * Original rule filed July 22, 1992, effective April 8, 1993. Amended: Filed March 21, 1995, effective Oct. 30, 1995.

*Original authority 1963.

5 CSR 50-321.400 General Provisions, Even Start Family Literacy Program

PURPOSE: The Department of Elementary and Secondary Education (the department) has the authority to receive and expend federal funds for educational programs and to establish rules for administration of the program in accordance with controlling statutes and regulations. This rule sets forth the general provisions governing programs operated under the Even Start Family Literacy legislation, Part B, Chapter 1 of Title I of the Elementary and Secondary Education Act of 1965, as amended by P.L. 103-382. This rule incorporates by reference the state *Administrative Manual for the Even Start Family Literacy Program*.

Editor's Note: The following material is incorporated into this rule by reference:

1) *Elementary and Secondary Education Act 1994, P.L. 103-382* (Washington: U.S. Government Printing Office, 1994);

2) *Even Start Family Literacy Program Administrative Manual 1995* (Jefferson City: Department of Education, Division of Instruction, 1995).

In accordance with section 536.031(4), RSMo, the full text of material incorporated by reference will be made available to any interested person at the Office of the Secretary of State and the headquarters of the adopting state agency.

(1) All state programs and projects implemented with funds under the Even Start Family Literacy Program shall be conducted in conformity with—

(A) The Elementary and Secondary Education Act, as amended in 1994 (P.L. 103-382); and

(B) The state *Administrative Manual for the Even Start Family Literacy Program* which is incorporated by reference and provides guidance and interpretation of federal statutory and regulatory requirements for the program and also establishes grant application and management procedures consistent with state law and practices.

(2) Any rule or interpretation promulgated by the State Board of Education in exercising its responsibility under the Even Start Family Literacy Program may be waived by the assistant commissioner, Division of Instruction, upon the person's determination that a situation exists in which the application of that rule or interpretation would work an extreme hardship upon the affected party, or would work to the detriment of the intended beneficiaries of the program. The waiver authority does not extend to regulations promulgated by the United States Department of Education, which are adopted by the State Board of Education as a condition of accepting funds under the Even Start Family Literacy Program.

AUTHORITY: section 178.430, RSMo (1994). * Original rule filed July 22, 1992, effective April 8, 1993. Amended: Filed March 21, 1995, effective Oct. 30, 1995.

*Original authority 1963.