

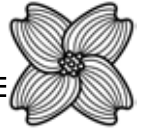


RULES OF
**Department of Elementary and
Secondary Education**
Division 20—Division of Learning Services
Chapter 100—Office of Quality Schools

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**TITLE 5 – DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
Division 20 – Division of Learning Services
Chapter 100 – Office of Quality Schools

5 CSR 20-100.105 Missouri School Improvement Program-5
(Rescinded January 30, 2024)

AUTHORITY: sections 160.514, 160.526, and 167.131, RSMo 2000, and sections 160.518, 161.092, 162.081, and 168.081, RSMo Supp. 2011. Original rule filed Aug. 18, 2011, effective March 30, 2012. Rescinded: Filed June 14, 2023, effective Jan. 30, 2024.

5 CSR 20-100.110 Programs for Gifted Children

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

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

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

(2) Annually, the department solicits applications from eligible Local Educational Agencies which shall be due as of a date and in a form established by the department. Anyone interested in receiving a copy of the Gifted Education Program Guidelines (October 2021), which is incorporated by reference and made a part of this rule, as published by the department, may contact the Gifted Education Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480, and at its website at <https://dese.mo.gov/quality-schools/gifted-education> and at <https://dese.mo.gov/governmental-affairs/dese-administrative-rules/incorporated-reference-materials>. This rule does not incorporate any subsequent amendments or additions.

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

(A) Established a systematic process for identification and selection of gifted students. This process shall use multiple criteria for identification and selection such as, but not limited to, equitable and objective measures and competent professional evaluation; and

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

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

(A) The program goals and learner outcomes that should be achieved by gifted students participating in the program;

(B) The program activities that shall be beyond the level normally provided in regular school programs and that

contribute particularly to meeting the identified unmet needs of gifted students; and

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

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

(6) Instructional positions and assignments in the state-approved program shall be reported in a manner and format approved by the department on the annual core data reports.

AUTHORITY: sections 161.092 and 162.675, RSMo 2016, and section 162.720, RSMo Supp. 2021. This rule was previously filed as 5 CSR 70-742.120 and 5 CSR 50-200.010. Original rule filed May 20, 1974, effective May 30, 1974. Amended: Filed Dec. 24, 1975, effective Jan. 3, 1976. Amended: Filed Nov. 7, 1977, effective March 1, 1978. Rescinded and readopted: Filed March 7, 1979, effective July 14, 1979. Amended: Filed Aug. 21, 1980, effective Dec. 15, 1980. Amended: Filed Feb. 26, 1991, effective Aug. 30, 1991. Rescinded and readopted: Filed Jan. 31, 1994, effective July 10, 1994. Amended: Filed Sept. 20, 2006, effective May 30, 2007. Moved to 5 CSR 20-100.110, effective Aug. 16, 2011. Amended: Filed Feb. 29, 2016, effective Oct. 30, 2016. Amended: Filed Oct. 26, 2021, effective May 30, 2022.*

**Original authority: 161.092, RSMo 1963, amended 1973, 2002, 2003, 2013, 2014; 162.675, RSMo 1973, amended 1974, 1977, 2002, 2005, 2007, 2008; and 162.720, RSMo 1973, amended 1974, 2016, 2018.*

**5 CSR 20-100.120 Advanced Placement and International
Baccalaureate Fee Payment Programs**
(Rescinded June 30, 2019)

AUTHORITY: section 161.092, RSMo Supp. 2014, and section 178.430, RSMo 2000. This rule previously filed as 5 CSR 50-200.050. Emergency rule filed June 17, 1998, effective June 28, 1998, terminated July 24, 1998. Original rule filed June 17, 1998, effective Dec. 30, 1998. Moved to 5 CSR 20-100.120, effective Aug. 16, 2011. Amended: Filed Feb. 29, 2016, effective Oct. 30, 2016. Rescinded: Filed Nov. 5, 2018, effective June 30, 2019.

5 CSR 20-100.125 Missouri School Improvement Program 6

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

(1) The following definitions will be used in administering this rule:

(A) Academic Success: Academic Success is defined as a compilation of Standards TL1 –Success-Ready Students, EA1 – Academic Achievement which lead to success in the next grade level or chapter in a student's life;

(B) Educational Equity: Educational equity exists when there is an intentional focus on learning outcomes and the allocation of resources ensure that each student is purposefully engaged and is provided rigorous instruction, meaningful supports, and relevant educational experiences;



(C) School System: School system includes a local board and a school district or charter school. Standards used for measurement in each type of system have been noted in Appendix A;

(D) Students: Students include all children age 3-21 who are enrolled in the school system;

(E) Student Groups: Identified student groups refers to all traditional student groups including: Asian/Pacific Islander, black, Hispanic, American Indian, white, multi-racial, students with disabilities, English language learners, and low-income students. Other demographic groups may be developed for reporting; and

(F) Well-being: Well-being includes the physical (safety, environmental), social-emotional, and intellectual needs of students.

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

(2) Pursuant to section 161.092, RSMo, this rule is to be effective two (2) years from the date of adoption of the proposed rule by the State Board of Education (board). The Missouri School Improvement Program (MSIP) 6 Standards and Indicators, Appendix A, included herein, is comprised of quantitative and qualitative standards for school districts and charter schools.

(3) School district and charter school performance will be reviewed annually by the Department of Elementary and Secondary Education (department) in accordance with this rule, including the standards, using the appropriate scoring guide, forms, and procedures outlined by the department. Review of these data will guide the department in determining school districts in need of improvement, in determining the appropriate level of intervention necessary for significant and sustained improvement in student achievement, and in evaluating charter sponsors. Decisions will be made using multiple years of data.

(4) The board will assign school district classification designations of unaccredited, provisionally accredited, accredited, and accredited with distinction.

(5) Districts identified through MSIP as needing improvement must submit a continuous school improvement plan for approval by the department.

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

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

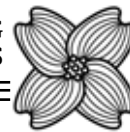
(B) Demonstrated significant change in student performance over multiple years;

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

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

(E) Failed to comply with a statutory requirement.

(7) A local board of education (local board) that is dissatisfied with the classification designation assigned by the board



Department of Elementary and Secondary Education – MSIP 6
Standards and Indicators
Appendix A

Leadership (L)

School Board Leadership

***L1 – The local board and superintendent/chief executive officer engage in ongoing professional learning and self-evaluation in order to strengthen governance practices.**

A. The local board ensures that the district is guided by a vision, mission, and limited number of focused goals, all of which are the basis for the district's continuous improvement process.

B. Local board members complete all legally required board training within the mandated timeframe.

C. The local board and the superintendent/chief executive officer engage in professional learning designed to improve governance practices.

D. The local board and the superintendent/chief executive officer regularly evaluate governance team strengths and opportunities for improvement.

Ethics

L2 – The local board and administration conduct school system business in an ethical, legal, and transparent manner.

A. The local board adopts and administration enforces all policies related to legal and professional ethics for all employees.

B. The local board adopts and adheres to its policy on legal and professional ethics for school board members.

C. The local board and administration conduct business in compliance with the Missouri Open Meetings and Records Act.

D. The superintendent/chief executive officer ensures that individual requests from local board members are considered by the local board as a whole.

Continuous School Improvement

***L3 – The local board adopts, monitors, and annually reviews the implementation and outcomes of the Continuous School Improvement Plan (CSIP) that focuses on district performance and improvement.**

A. The CSIP, developed in meaningful collaboration with internal and external stakeholders, is the product of and based upon a data-based needs assessment.

B. The local board ensures that the CSIP focuses on the academic preparation and well-being of each student.

C. The CSIP contains:

1. Clear statements of mission and vision;
2. Limited number of focused goals and objectives;
3. Evidence-based action steps and strategies;
4. Timelines for implementation and monitoring;
5. Persons responsible for implementation and monitoring;
6. Funding sources; and
7. Any other information needed to implement the plan.

D. The local board regularly monitors the implementation and outcomes of the CSIP.

E. The CSIP guides the development and implementation of other plans (Building Improvement Plan, Professional Development Plan, Facilities Plan, etc.).

Operations and Resource Management

L4 – The school system manages school operations and resources to promote each student's academic success and well-being in accordance with priorities established in the CSIP.

A. The school system deliberately allocates both fiscal and non-fiscal resources to align with CSIP priorities and matters of equity.

B. The local board and administration regularly and systematically engage in long-range financial, facilities, and infrastructure planning.

C. The budget is developed through a transparent process that complies with law and is approved by the local board.

D. The local board establishes budget parameters, including minimum fund balances, to guide budget development.

E. The local board and administration follow sound financial practices and follow all laws and regulations regarding audits, bids, contracts, and purchases.

School Board Policy

L5 – The local board establishes and implements policies that provide a framework within which the school system operates and ensures legal compliance.

A. The local board and administration have a systematic process for establishing, adopting, and revising policies so that they are clear, current, and legally compliant.

B. The local board, administration, and staff implement and enforce policy when conducting school system business.

C. The local board approves documents and reports as required by policy and law.

D. The school system's policies and handbooks are posted on the system's website or are otherwise available to the community.



Superintendent Roles, Responsibilities, and Evaluation

L6 – The local board(s) employs and evaluates the job performance of an appropriately certificated superintendent/chief executive officer to manage school system operations.

- A. The local board(s) delegates operational decisions to the superintendent/chief executive officer and administration.
- B. The local board(s) conducts a performance-based superintendent/chief executive officer evaluation process based upon clear, written, and measurable targets that are aligned with professional educator leader standards and school system performance measures.
- C. The superintendent/chief executive officer’s evaluation process is implemented in accordance with the Essential Principles of Effective Evaluation and 5 CSR 20-400.375.
- D. The local board(s) establishes and follows a clear timeline for the superintendent/chief executive officer’s evaluation process, contract decisions, and salary determination.

Personnel and Program Evaluation

L7 – The local board and administration ensure the use of an effective evaluation process for all employees and a systematic program evaluation process for the school system’s programs, practices, and procedures for the attainment of the vision, mission, and goals.

- A. The local board and administration consistently use data to make decisions.
- B. The local board and administration ensure the implementation of performance-based evaluations that are aligned to 5 CSR 20-400.375 for certificated staff and to appropriate job descriptions and duties for non-certificated staff.
- C. The local board ensures that personnel evaluations are comprehensive, performance-based, and aligned with state standards.
- D. The local board regularly reviews goals, objectives, and the effectiveness of all programs and services, which support the mission and vision of the district.
- E. The local board annually approves the Professional Development Plan and other plans as required by statute and local board policy.
- F. The local board approves the leadership development plan to ensure continuity for staff turnover and succession.

Communication

L8 – The school system provides for two-way, reliable, and representative communication with all stakeholders.

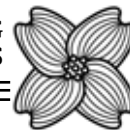
- A. The school system implements and annually reviews a communications plan that outlines multiple methods for two-way, reliable communication with all stakeholders.
- B. The school system regularly communicates to all stakeholders the progress in attainment of the systems mission, vision, and goals.

Personnel

L9 – The local board and administration provide sufficient staffing of qualified and highly effective personnel to achieve the school system’s vision, mission, and goals.

- A. Administration manages personnel resources, both professional and support staff, to address each student’s learning needs.
- B. The school system maintains a system of recruitment and support to ensure a high-quality, student-centered staff.
- C. The local board employs sufficient additional administrators to provide for the leadership and management of the district.

<i>Recommended Associate/Assistant Superintendent Ratios:</i>	
FTE	Certificated Staff Members (FTE)
0	1-100
1	101-200
2	201-300
3	301-400
4	401-500
5	501-600
6	601-700
7, etc.	701-800, etc.



<i>Principal/Building Ratios:</i>		
	<i>MINIMUM STANDARD</i>	<i>RECOMMENDED STANDARD</i>
FTE	Students	Students
1.00	1-400	1-300
1.50	401-600	301-450
2.00	601-800	451-600
2.50	801-1000	601-750
3.00	1001-1200	751-900
3.50	1201-1400	901-1050
4.00	1401-1600	1051-1200
4.50	1601-1800	1201-1350
5.00	1801-2000	1351-1500

School Safety

L10 – The school system actively addresses school safety and security in all facilities.

A. The school system, in consultation with public safety officials and stakeholders, develops, implements, and reviews annually a comprehensive school emergency operations plan for the school system and each school or site as applicable.

1. The plan broadly addresses safety, crises, and emergency operations.
2. The plan addresses prevention, preparation, operations, and follow-up.
3. The plan includes consideration of supporting mental health needs of all involved in any crisis.

B. Local board policy requires the school system to employ a designated safety coordinator who demonstrates knowledge of all federal, state, and local school violence and prevention programs and resources that are available to students, teachers, and district staff.

C. The school system annually conducts a physical security site assessment at each facility, utilizing nationally accepted methodology.

D. The school system ensures emergency preparedness drills are performed in compliance with state statute and local ordinance.

E. The school system implements a cyber/privacy security plan, utilizing nationally accepted standards.

F. The school system ensures access to Missouri's school violence anonymous reporting tip line.

G. All school system staff participate in relevant school safety and violence prevention training.

Effective Teaching and Learning (TL)

Success-Ready Students

****TL1 – Students and identified student groups demonstrate on-track performance on multiple measures of success by meeting or exceeding the state standard and/or demonstrating significant measurable improvement.**

A. Students demonstrate readiness for school entry in alignment with the Missouri Early Learning Standards.

B. Beginning in elementary school, students demonstrate regular school attendance.

C. Beginning in elementary school, students demonstrate on-track performance through department designated measures of literacy and numeracy.

D. No later than eighth grade, students have developed Individual Career Academic Plans (ICAP) that are based on career exploration experiences.

E. Beginning in middle school, students demonstrate collaboration, leadership, and communication skills through participation in curricular, co-curricular, extra-curricular, community-based activities, or service learning.

F. Students demonstrate work ethic and character.

G. Beginning in high school, students demonstrate academic readiness by scoring proficient on at least two required End-of-Course Assessments.

H. Beginning in high school, students may demonstrate employability skills through participation in Career and Technical Student Organizations (CTSO) and/or a Seal of Biliteracy.

I. Students in high school progress through academic work on a schedule appropriate to graduate.

J. Beginning in high school, students demonstrate postsecondary readiness through any of the following:

1. A combination of a career readiness assessment score that meets the state standard combined with an Industry Recognized Credential (IRC) or Career and Technical Education Certificate (CTEC).

2. A combination of a college readiness assessment and an IRC or CTEC.

3. A combination of a college readiness assessment score that meets the state standard and advanced credit that meets the state standard.

4. Successful completion of an advanced professional studies program, Registered Youth Apprenticeship, department-approved internship, or other department-approved work-connected experience.

5. Participation in the Pre-Employment Transition Services Program through Vocational Rehabilitation.

6. Confirmed postsecondary employment, college application, other postsecondary training, or military commitment.

7. Completion of early college or associates degree or the CORE 42.



8. Completion of stackable credentials.
9. Other department-approved work readiness measures.

High-Quality Early Learning

***TL2 – The school system ensures the birth through prekindergarten population has access to high-quality early learning experiences.**

- A. The school system informs family and community members about the importance of early learning experiences.
- B. The school system provides the Parents as Teachers program for early learning experiences.
- C. The school system identifies well-rounded, developmentally-appropriate preschool opportunities available to children.
- D. The school system measures the effectiveness of early learning experiences (e.g., self-assessments using Environmental Rating Scale, Classroom Assessment Scoring System, other department-approved classroom environmental assessment, or Parents as Teachers National Center Quality Endorsement and Improvement Process).

High-Quality Career Education

***TL3 – The school system is intentional in providing relevant, high-quality career technical education and/or advanced professional studies based on students' ICAPs.**

- A. The school system implements department-approved career technical education program(s) leading students to attain an industry-recognized credential or CTEC, a postsecondary degree, or entry into the workplace with a skill set conducive toward career advancement.
- B. The school system provides access to career-connected experiences that include solving authentic problems, working in professional environments, and engaging in curriculum developed with industry professionals.
- C. The school system implements broadly-based elementary and middle school career awareness and exploration programs, which align with high school and career center curriculum.
- D. The school system ensures the career technical education program has a written curriculum for each course with a balance among classroom/laboratory instruction, leadership, professional competency development, personal learning, and assessment of technical skill attainment.
- E. The school system ensures the appropriate CTSO is affiliated with the state and national organizations and is an intra-curricular element of the associated program.
- F. The school system uses a system of data collection and evaluation to provide the necessary information for program review and development.

Intra- and Interpersonal Skills

***TL4 – The school system prepares students through the development of essential intrapersonal and interpersonal skills.**

- A. The school system ensures opportunities for students to develop initiative and engage in collaborative problem solving.
- B. The school system ensures opportunities for students to be part of one or more co-curricular, extracurricular, or leadership opportunities and CTSOs.
- C. The school system ensures that social-emotional skills aligned with the Missouri Early Learning Standards, the Missouri Learning Standards, and the Missouri Comprehensive School Counseling Program are integrated into the teaching process.

Teacher/Leader Standards

***TL5 – The school system implements board-adopted teacher/leader standards to ensure effective instructional staff for each student.**

- A. The school system uses professional educator standards when making decisions on employing, evaluating, and retaining instructional staff and administrators.
- B. The school system implements an educator evaluation process aligned to the Essential Principles of Effective Evaluation for all instructional staff and administrators.
- C. School system and building-level leaders provide leadership development opportunities for all educators.
- D. The school system provides an effective induction and mentoring process for all instructional staff and administrators.

Effective Instructional Practices

***TL6 – Evidence-based instructional practices are implemented to ensure the success of each student.**

- A. Students receive literacy instruction throughout all grades using a variety of evidence-based methods.
- B. Building leaders monitor and provide feedback on the use of effective evidence-based practices.
- C. Instructional staff design and use appropriate, meaningful, and rigorous learning tasks for each student.

Multi-Tiered System of Support

TL7 – The school system provides a comprehensive multi-tiered system of support that addresses the academic, emotional, behavioral, social, and physical needs of each student.

- A. The school system establishes learning and behavioral supports that are identified, coordinated, and implemented with fidelity at the classroom, building, and system level.
- B. The school system monitors the implementation of these supports through observation, program evaluation, and data analysis.
- C. The school system implements a written process for the early identification of students' needs and implements differentiated learning and behavioral supports for each student.
- D. The school system uses targeted student assessment and data collection to monitor, evaluate, and inform decision-making



to identify and implement successful learning and behavioral supports.

E. The school system collaborates with community partners to provide information and resources to students and parents/guardians to address barriers impacting student success.

F. The school system implements methodologies to support social-emotional learning, culturally responsive teaching, and trauma-informed practices based on student need.

Professional Learning

TL8 – Professional learning activities support effective instructional practices in the school system.

A. The school system ensures all instructional staff participate in scheduled, ongoing, job-embedded, and content-appropriate professional learning focused on evidence-based instructional practices, staff growth goals, and student performance goals outlined in the CSIP.

B. The school system provides time and resources for the professional learning of each staff member.

Use of Technology to Improve Instruction

TL9 – The school system ensures that technology effectively supports teaching and learning.

A. The school system supports curricular and assessment needs by providing adequate technology infrastructure, connectivity, personnel, and digital resources.

B. The school system provides access to current technologies, digital resources, and ongoing professional learning for all instructional staff.

C. The school system provides access to virtual learning experiences, programs, and courses.

D. The school system evaluates the impact of information and communication technology on teaching and learning.

Comprehensive School Counseling Program

TL10 – The school system provides school counseling services to support the career, academic, and social/emotional development of all students.

A. The school system ensures a system-wide school counseling program, consistent with the Missouri Comprehensive School Counseling Program framework, is fully implemented in every building.

B. Beginning no later than 7th grade, building leaders ensure each student participates in an individual planning process designed to assist in a successful transition to postsecondary experiences (e.g. college, technical school, the military or the workforce, etc.).

C. Individual Career and Academic Plans (ICAPs) are developed and annually reviewed for each student starting no later than 8th grade and continuing through 12th grade.

D. Each student has equitable access to responsive services and resources to assist them in addressing issues and concerns that may affect their academic, career, and social-emotional needs.

E. The school system monitors system supports as a crucial component in the full implementation of a comprehensive school counseling program.

F. The school system provides student support in the form of school counseling and additional supports such as school psychologists, social workers, nurses, and therapists; based on local context and student need.

G. The school system implements an evaluation system for school counselors that provides feedback based on school counselor standards and indicators.

<i>MINIMUM+ COUNSELING STANDARD</i>		<i>RECOMMENDED COUNSELING STANDARD</i>	
Students	FTE	Students	FTE
1-50	.20	1-40	.20
51-100	.40	41-80	.40
101-150	.60	81-120	.60
151-200	.80	121-160	.80
201-250	1.00	161-200	1.00
251-300	1.20	201-240	1.20
301-350	1.40	241-280	1.40
351-400	1.60	281-320	1.60
401-450	1.80	321-400	1.80
451-500	2.00, etc.	401-480	2.00, etc.
+American School Counselor Association			

Library Media Services

TL11 – The school system provides high-quality library media resources that effectively serve learners and educators.

A. The school system establishes library media services that support, enhance, and enrich the curriculum.

B. Library media staff collaborate with instructional staff to integrate library media resources into the instructional program.

C. The school system develops and maintains a diverse collection of digital, informational, and reading resources appropriate



to the curriculum, learners, and instructional practices and programs.

<i>Library Staffing Ratios:</i>			
<i>MINIMUM STANDARD</i>		<i>RECOMMENDED STANDARD</i>	
Students	FTE	Students	FTE
1-200	.20	1-150	.20
201-400	.40	151-300	.40
401-600	.60	301-450	.60
601-800	.80	451-600	.80
801-1000	1.00	601-750	1.00
1001-1200	1.20	751-900	1.20
1201-1400	1.40	901-1050	1.40
1401-1600	1.60	1051-1200	1.60
1601-1800	1.80	1201-1350	1.80
1801-2000	2.00, etc.	1351-1500	2.00, etc.

Class Size and Assigned Enrollments

TL12 – The school system ensures class-sizes are consistent with grade-level and program standards.
The school system ensures individual class enrollment is consistent with the following guidelines:

<i>Student – Teacher Ratios:</i>		
<i>GRADES</i>	<i>MINIMUM STANDARD</i>	<i>RECOMMENDED STANDARD</i>
Prekindergarten (PK)	20	10
K-2	25	17
3-4	27	20
5-6	30	22
7-12	33	25

A. The school system ensures that PK class sizes meet the requirements of 5 CSR 20-100.320 Prekindergarten Program Standards.

B. The school system ensures full-time elementary special (e.g., art, music, physical education, computers, library, etc.) teachers serve no more than seven hundred fifty (750) students per week (duplicated count).

C. The school system ensures that other alternative class size limits are met for the following exceptions: Student enrollment in a classroom may increase by as many as ten (10) students for any period that a paraprofessional assists the classroom teacher full-time, or by as many as five students when a paraprofessional assists the teacher half-time (paraprofessionals paid for with Title I and special education funds cannot be used to increase class size).

1. Multi-grade classrooms will not exceed standards for the lowest grade enrolled. High schools can combine sections of the same subject in beginning and advanced levels (e.g., Spanish I and Spanish II or Spanish III and Spanish IV). Total combined enrollment in such classes should not exceed twenty-five (25) students.

2. Enrollment in performing arts and physical education classes may exceed regular class-size limits if adequate supervision and facilities are provided for safe and effective instruction.

D. Adequate self-directed planning time, at least two hundred fifty (250) minutes per week, is provided to certificated and licensed educators who provide instruction to students on a full-time basis (prorated as appropriate). Plan time is based on local context and is aligned to best practice guidelines.

**Collaborative Climate and Culture (CC)
Safe, Orderly, and Caring Environment**

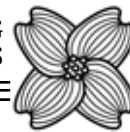
CC1 – The school system provides a safe and caring environment that supports teaching, learning, and student success.

A. The school system implements trauma-informed methodologies, implements youth suicide awareness and prevention practices, and provides responsive services based on student need and local context.

B. The school system provides staff, teachers, parents/guardians, and students access to the school system’s written code of conduct, which specifies unacceptable student behavior and consequences for that behavior.

C. The school system’s code of conduct is equitably and consistently enforced during any school related activity whether on or off school property.

D. The school system promotes respect for individual differences (e.g., diversity training, diversity awareness, policies, and



procedures).

E. The school system provides training on and ensures the implementation effective practices on violence-prevention instruction, including information on preventing and responding to harassment and bullying, for each student and staff member.

Culture of High Academic and Behavioral Expectations

***CC2 – The school system establishes a culture focused on learning, characterized by high academic and behavioral expectations for each student.**

A. Leadership develops a systematic process for establishing and maintaining a positive learning climate.

B. Staff and students share in the responsibility for learning by being actively engaged in learning and demonstrating appropriate standards of behavior and attendance.

C. The school system gathers and analyzes data on student violence, substance abuse, and bullying, and modifies programs and strategies to ensure safe and orderly schools.

Collaborative Partnerships

***CC3 – The school system creates and maintains collaborative opportunities and relationships with school districts, business, industry, postsecondary institutions, and other entities to create or maintain well-rounded educational opportunities for students and educators.**

A. The school system develops reciprocal partnerships with postsecondary institutions, businesses, industry, charitable organizations, non-profit organizations, cultural organizations, and commercial entities for the benefit of students and educators.

B. The school system maintains strong collaborative relationships with parent organizations, industry-based programs, stakeholders, and other entities within the larger community to support students and educators.

Parent/Guardian Involvement

***CC4 – The school system intentionally engages parents/guardians to create effective partnerships that support the development and achievement of their students.**

A. The school system incorporates formal strategies that include parents/guardians in the educational process.

B. The school system ensures parent/guardian education activities take place as required by the Early Childhood Development Act (ECDA).

C. The school system actively cooperates with other agencies, parents/guardians, and community groups (e.g., parent teacher organizations) to provide information related to child development and/or parenting skills.

D. Each school building implements processes and strategies to create a welcoming environment for all families.

Data-Based Decision Making (DB)

Data Submission

DB1 – The school system submits data required by the department in an accurate and timely manner.

A. The school system ensures the annual tax rate calculation and forms are submitted in an accurate and timely manner.

B. The school system meets the requirements for an independent audit and submits the audit to the department on time.

C. The school system ensures the Annual Secretary of the Board Report is submitted in an accurate and timely manner.

D. The school system ensures the underlying data used to generate accountability reports are accurate, and that corrections/appeals are submitted in a timely manner.

E. The school system ensures that any other required data are submitted in an accurate and timely manner.

Continuous and Innovative Improvement

***DB2 – School system and building leaders are intentional agents of continuous and innovative improvement to provide relevant learning experiences that promote academic success so each student can meet the changing demands of the world around them.**

A. School system and building leaders use a variety of data (e.g., longitudinal, demographic, diagnostic, and perceptual) to support and inform system-wide decisions.

B. School system and building leaders establish a cycle of continuous improvement that includes reflection, data collection, analysis, planning, feedback, and evaluation.

C. School system and building leaders use an intentional feedback system to improve and refine performance.

D. School system and building leaders facilitate analysis of individual student data to improve the instructional process and student growth.

Climate and Culture Data

***DB3 – The school system gathers school climate and culture data from all stakeholder groups, analyzes and shares the results, and implements strategies for improvement.**

A. The school system uses evidence-based methods of collecting data (e.g., surveys, observational methods, and behavior reports) that recognize the range of factors which shape school culture and climate.

B. The school system assures student voices are heard and respected.

C. The school system establishes procedures for using culture and climate findings to develop and revise systemwide improvement goals and implementation strategies.

D. The school system provides school culture and climate data and reports periodically to all stakeholders.



Collaborative Teams

***DB4 – School-based collaborative educator teams, inclusive of all educators, are operational and focus on effective practices.**

- A. Educator teams collaboratively develop common purposes and goals for improved student outcomes that embrace continuous school improvement.
- B. Educator teams effectively implement group processes in collaborative meetings.
- C. Educator teams collaboratively analyze student data to provide appropriate interventions for students' instructional and behavioral needs.
- D. Educator teams engage in data-informed decision-making.
- E. Educator teams act reflectively.
- F. Educator teams design lessons collaboratively.
- G. Educator teams examine student work and assessments.
- H. Educator teams develop curriculum collaboratively.
- I. Educator teams address positive classroom learning environments.

Alignment of Standards, Curriculum, and Assessment (AS)

Viable Curriculum Aligned to Missouri Learning Standards

AS1 – Instructional staff implement a comprehensive, rigorous, guaranteed, and viable curriculum for all instructional courses and programs aligned to the Missouri Learning Standards where applicable.

- A. The school system's curriculum aligns externally to all Missouri Learning Standards and the English language development standards and internally between grade levels and courses.
- B. Building leaders and instructional staff ensure the written, taught, and assessed curriculum are aligned.
- C. The school system develops written procedures to ensure the written curriculum is implemented and is evaluated. Prekindergarten instructional staff are included when the program is offered by the system.
- D. The school system implements a systematic plan for developing and/or revising the curriculum for all content areas.
- E. The school system provides opportunities for each student to excel (e.g., gifted and/or enrichment, at-risk, special education, etc.).
- F. Educators provide learning opportunities that are aligned to the district curriculum and have clearly identified and communicated learning targets.

Assessments Aligned to Missouri Learning Standards

***AS2 – The school system implements a comprehensive assessment system including state required and locally selected assessments.**

- A. Instructional staff administer assessments required by the Missouri Assessment Program to measure academic performance for each student.
- B. The school system has a local board-approved comprehensive written student assessment plan that includes all assessments administered and the purposes for which the assessments are used.
- C. The school system regularly reviews performance data, for all students and disaggregated by student groups, to effectively monitor student academic achievement.
- D. Instructional staff use disaggregated data to adjust instruction for identified student groups and has criteria for evaluating the effectiveness of these adjustments.
- E. Adjustments to curriculum, instruction, and intervention strategies are made based on interim, formative, and summative assessment data and other student work.
- F. Instructional staff ensure classroom assessments include the use of higher order thinking and problem-solving skills, as well as complex reasoning skills.
- G. Building leaders and instructional staff provide timely, descriptive, and constructive feedback from assessments to students and parents/guardians.
- H. The school system develops and conducts reliable local assessments for standards currently not assessed on the MAP.

Equity and Access (EA)

Academic Achievement

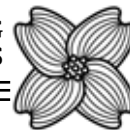
****EA1 – The school system administers assessments required by the Missouri Assessment Program (MAP) to measure academic achievement and demonstrates improvement in the performance of its students over time.**

- A. The performance of all students on each required assessment meets or exceeds the state standard and/or demonstrates the required growth or improvement.
- B. The performance of each student on each assessment and students in identified student groups meets or exceeds the state standard and/or demonstrates the required growth or improvement.
- C. The percentage of students and identified groups of students tested on each required MAP assessment meets or exceeds the state standard.

Graduation Rate

****EA2 – The school system ensures all students successfully complete high school.**

- A. All students and identified student groups complete an educational program, which meets the graduation requirements as established by the local board and meets or exceeds the state standard and/or demonstrates the required improvement.



Follow-Up Rate of Graduates

****EA3 – The school system prepares all students and identified groups of students for postsecondary success.**

- A. All graduates and identified groups of graduates, who after graduation are successfully–
 - 1. enrolled in a college/university,
 - 2. enrolled in a trade/technical school (or program),
 - 3. employed, or
 - 4. in the military, and meet or exceed the state standard and/or demonstrate the required improvement.
- B. The school system analyzes five (5)-year follow-up data on their graduates and uses the results to inform–
 - 1. program evaluation,
 - 2. strategic planning, and
 - 3. other decision making.

Equity of Educational Experiences

EA4 – The school system intentionally focuses on educational outcomes and the allocation of resources to ensure that each student is purposefully engaged and is provided rigorous instruction, meaningful supports, and relevant educational experiences.

A. The school system ensures each student, particularly low-income and minority students, has equitable access to qualified, experienced, and effective teachers, learning experiences, academic and social supports, and other resources necessary for success in all content areas.

B. The school system implements policies to address student misconduct in a positive, fair and unbiased manner.

C. The school system initiates and promotes collaborative relationships with community partners, agencies, and institutions that promote open dialogue and respect for multiple perspectives.

D. The school system monitors equity gaps between student groups (e.g., gifted and/or enrichment, at-risk, special education, etc.), applies strategies to reduce barriers between student groups, and implements strategies to address equity gaps between student groups.

* Measured for continuous improvement report

** Measured for student performance report



AUTHORITY: section 161.092, RSMo 2016. Original rule filed Nov. 8, 2019, effective June 30, 2020.*

**Original authority: 161.092, RSMo 1963, amended 1973, 2002, 2003, 2013, 2014.*

5 CSR 20-100.130 General Provisions Governing the Consolidated Grants Under the Elementary and Secondary Education Act (ESEA)

PURPOSE: The Department of Elementary and Secondary Education (department) 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 Part A, Title I Part C, Title I Part D, Title II Part A, Title III, Title IV Part A, Title V Part B, and Title IX under ESEA, P.L. 89-10.

PUBLISHER'S NOTE: The secretary of state has determined that publication of the entire text of the material that 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.

The following provisions are incorporated by reference and made part of this rule: P.L. 89-10, which is available by contacting the U.S. Government Publishing Office, 732 North Capitol Street NW, Washington, DC 20401-0001, as published in February 2023. Copies of this law can also be obtained from the Department of Elementary and Secondary Education, Office of Quality Schools, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480 and at <https://dese.mo.gov/governmental-affairs/deseadministrative-rules/incorporated-reference-materials>; and the ESEA Administrative Manual (revised February 2023) is hereby incorporated by reference and made a part of this rule as published by the Department of Elementary and Secondary Education, Office of Quality Schools, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480, and its website at <https://dese.mo.gov/quality-schools/federal-programs/federal-legislation-guidance> and at <https://dese.mo.gov/governmental-affairs/dese-administrative-rules/incorporated-reference-materials>. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 161.092 and 178.480, RSMo 2016. This rule previously filed as 5 CSR 50-321.010. Original rule filed April 29, 1997, effective Nov. 30, 1997. Amended: Filed April 21, 1999, effective Nov. 30, 1999. Moved to 5 CSR 20-100.130, effective Aug. 16, 2011. Amended: Filed Feb. 10, 2022, effective Sept. 30, 2022. Amended: Filed Feb. 10, 2023, effective Sept. 30, 2023.*

**Original authority: 161.092, RSMo 1963, amended 1973, 2002, 2003, 2013, 2014, and 178.480, RSMo 1963.*

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

(Rescinded September 30, 2022)

AUTHORITY: section 178.480, RSMo 1994. This rule previously filed

as 5 CSR 50-321.020. Original rule filed March 22, 1999, effective Sept. 30, 1999. Moved to 5 CSR 20-100.140, effective Aug. 16, 2011. Rescinded: Filed Feb. 10, 2022, effective Sept. 30, 2022.

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

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

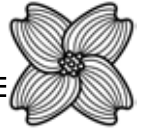
(1) Summer school programs, approved by the local board of education, may be held any time between the close of the regular school term and the beginning of the next regular school term. School districts with a “year-round” regular term schedule may conduct an approved component of summer school during the breaks in the regular term. A summer school program consists of a planned schedule of course offerings for Missouri domiciled students at the elementary or high school level. An approved summer school program for students without disabilities must be in session for at least one hundred twenty (120) clock hours. Summer school programs for students with disabilities are to be aligned to the Individualized Education Program (IEP).

(2) A school board may authorize the operation of summer school programs at the elementary or high school level, or both. Minimum clock hours for programs are included in section (1). An elementary summer school program may include any combination of grades kindergarten through eight (K–8). A high school summer school program may include any combination of grades seven through twelve (7–12). A school district or charter school may operate one (1) or more summer school programs at any level. Minimum clock hours apply to each program. Schools may “stack” a variety of classes to meet the requirement of one hundred twenty (120) clock hours. Under the “stacking” method, typically sixty (60) hours of instruction are offered at the elementary level with sixty (60) hours of instruction offered at the secondary level for a combined total of one hundred twenty (120) clock hours. The clock hours of regular summer school classes may be combined with the clock hours of special education extended school year programs to reach the one hundred twenty (120) clock hour requirement. With the exception of special education programs, individual courses or segments consist of a minimum of thirty (30) hours. Minimum time requirements exclude break time and lunch time. School districts with “year-round” regular term schedules may include instructional hours offered in a structured summer school program held during breaks in the regular term.

(A) Title I summer school hours may not be used in the “stacking” method per federal law.

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

(A) Any course which may be offered in the regular school term may be approved for summer school with the exception of physical education hours that do not count as credit toward graduation for students in grades nine (9), ten (10), eleven



(11) and twelve (12). Special approval must be requested for summer school courses that would require special approval during the regular term.

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

(C) Non-curricular programs such as camps and athletic practices may be offered but not included in clock hour requirements or for summer school membership and/or the associated attendance hours for state aid purposes.

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

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

(6) Summer school program applications and reports shall be submitted in a form and at a time as may be required by Department of Elementary and Secondary Education (DESE).

AUTHORITY: sections 161.092(2), 163.011, 163.031, 167.227, and 178.280, RSMo 2016, and section 163.021(2), RSMo Supp. 2018. This rule previously filed as 5 CSR 50-340.050. Original rule filed May 14, 1971, effective May 24, 1971. Rescinded and readopted: Filed Nov. 15, 1977, effective Feb. 15, 1978. Amended: Filed Aug. 12, 1983, effective Dec. 12, 1983. Amended: Filed May 11, 1995, effective Dec. 30, 1995. Amended: Filed Jan. 16, 2008, effective Aug. 30, 2008. Moved to 5 CSR 20-100.160, effective Aug. 16, 2011. Amended: Filed Sept. 20, 2018, effective May 30, 2019.*

**Original authority: 161.092(2), RSMo 1963, amended 1973, 2002, 2003, 2013, 2014; 163.011, RSMo 1963, amended, 1967, 1973, 1977, 1982, 1985, 1986, 1988, 1992, 1993, 1996, 1997, 1998, 1999, 2001, 2002, 2005, 2006, 2007, 2008, 2009, 2014, 2015, 2016; 163.021(2), RSMo 1963, amended 1973, 1982, 1983, 1984, 1988, 1992, 1993, 1996, 1997, 1998, 2005, 2006, 2015, 2018; 163.031, RSMo 1963, amended 1965, 1967, 1969, 1975, 1976, 1977, 1982, 1984, 1985, 1986, 1993, 1996, 1997, 1998, 2000, 2004, 2005, 2006, 2009, 2014, 2015, 2016; 167.227, RSMo 1990; and 178.280, RSMo 1963, amended 1973, 1977.*

5 CSR 20-100.170 Missouri School Improvement Program
(Rescinded June 30, 2014)

AUTHORITY: sections 161.092 and 168.081, RSMo Supp. 2003 and 162.081 and 167.131, RSMo 2000. This rule previously filed as 5 CSR 50-345.100. Original rule filed June 30, 2004, effective Jan. 30, 2005. Moved to 5 CSR 20-100.170, effective Aug. 16, 2011. Rescinded: Filed Oct. 29, 2013, effective June 30, 2014.

5 CSR 20-100.180 Waivers of Regulations
(Rescinded August 30, 2016)

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

16, 2011. Rescinded: Filed Jan. 25, 2016, effective Aug. 30, 2016.

5 CSR 20-100.185 Show-Me Success Diploma Program

PURPOSE: This rule outlines the criteria for the Show-Me Success Diploma, an alternative pathway to graduation for high school students that may be earned at any point between the end of the student's tenth-grade year and the conclusion of the student's twelfth-grade year as outlined in section 160.560, RSMo.

(1) Definitions.

(A) Proportionate share of the state, local, and federal aid shall be defined as the sum of the following divided by total September membership and shall be paid by the school district or charter school from local or unrestricted state funds:

1. Property taxes and delinquent taxes;
2. School District Trust Fund (Prop C);
3. Merchants' and manufacturers' tax revenues;
4. Financial institutions' tax revenues;
5. City sales tax revenue, including city sales tax collected in any city not within a county;
6. Payments in lieu of taxes;
7. Revenues from state-assessed railroad and utilities tax;
8. Total state revenue; and
9. Total federal revenue.

(B) Local aid shall not be construed to include –

1. Charitable contributions, gifts, and grants made to the school district or charter school;
2. Interest earnings of school districts and student fees paid to school districts; and
3. Debt service authorized by a public vote for the purpose of making payments on a bond issuance of a school district.

(C) Intent to enroll. For purposes of section (3) of this rule, intent to enroll is demonstrated by an acceptance letter from the postsecondary institution and notification to the postsecondary institution of acceptance or payment of enrollment deposit.

(D) Qualifying postsecondary institution shall be defined as an institution that participates in a student aid program operated by the U.S. Department of Education.

(E) Pupil attendance percentage shall be defined as the district or charter school's prior year average attendance percentage calculated by using the prior year average K-12 membership divided by the prior year regular term K-12 Average Daily Attendance (ADA).

(2) Local education agencies (LEAs) may provide a course of study for a Show-Me Success Diploma. The course of study must include all graduation requirements required by state law.

(3) For LEAs to count a Show-Me Success Diploma graduate in their attendance data for state aid purposes, the LEA must –

- (A) Allow the student to remain in high school and participate in a program of study available in the LEA; or
- (B) Document that the student has enrolled in or demonstrated the intent to enroll in a postsecondary program that participates in a student aid program operated by the U.S. Department of Education.

(4) LEAs who elect to offer a Show-Me Success Diploma Program must demonstrate that its program graduates have the skills and knowledge necessary to be successful in college-level courses offered by community colleges in this state that count toward a degree or certificate.



(A) Students earning a Show-Me Success Diploma must demonstrate qualifying scores in each subject on one of the following measures:

Table with 4 columns: Measure, English, Mathematics, Science. Rows include Required End-of-Course (EOC) and Course Grade.

and;

(B) Students earning a Show-Me Success Diploma must demonstrate qualifying scores in each subject on one (1) of the following assessments:

Table with 3 columns: Assessment, English Score, Mathematics Score. Rows include Accuplacer, ACT, Asset, and SAT.

AUTHORITY: section 161.092, RSMo 2016, and section 160.560, RSMo Supp. 2023.* Original rule filed June 14, 2023, effective Jan. 30, 2024.

*Original authority: 160.560, RSMo 2022, and 161.092, RSMo 1963, amended 1973, 2002, 2003, 2013, 2014.

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

PURPOSE: This rule establishes minimum graduation requirements for public schools.

(1) High School Graduation Requirements. Twenty-four (24) units of credit are required for graduation. The requirements are stated in terms of the number of units of credit that must be earned in each subject area:

Table with 2 columns: Subject Area, Units of Credit. Lists subjects like Communication Arts, Social Studies, Mathematics, etc.

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

(3) Local Board Policies. Local boards of education must adopt and disseminate written policies concerning graduation. The policies must clearly set forth all requirements and all allowable variations.

(4) Accommodation of Students with Disabilities: Local school boards must establish policies and guidelines that ensure students with disabilities have the opportunity to earn credits toward graduation in a non-discriminatory environment.

(5) Variances and Substitutions. The state minimum graduation requirements cannot be applied with absolute uniformity in every case. Students' individual situations sometimes require consideration of variances and alternatives.

AUTHORITY: section 161.092, RSMo 2016.* This rule previously filed as 5 CSR 50-345.300. Original rule filed June 30, 2005, effective Jan. 30, 2006. Moved to 5 CSR 20-100.190, effective Aug. 16, 2011. Amended: Filed Nov. 15, 2018, effective June 30, 2019.

*Original authority: 161.092, RSMo 1963, amended 1973, 2002, 2003, 2013, 2014.

5 CSR 20-100.200 A+ Schools Program

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

(1) The Department of Elementary and Secondary Education (department) Office of Quality Schools (QS) is authorized to establish procedures for the implementation of the A+ Schools Program including:

- (A) Public school district, charter school, and nonpublic school participation; and
(B) Initial and continued designation as an A+ school.

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

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

- 1. Graduate from high school;
2. Complete a selection of high school studies that is challenging and has identified learning expectations; and
3. Proceed from high school graduation to a community college, postsecondary career-technical school, or high wage job with work place skill development opportunities;

(B) Provide assurance that the eligible secondary school will:
1. Establish measurable performance standards for the program;
2. Specify the knowledge, skills, and competencies



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

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

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

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

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

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

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

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

(C) Designate a certificated employee to serve as the A+ Schools Program coordinator. Nonpublic schools will designate a qualified employee to serve as the A+ Schools Program coordinator.

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

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

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

AUTHORITY: section 161.092, RSMo 2016, and section 160.545, RSMo Supp. 2018. This rule was previously filed as 5 CSR 60-120.060 and 5 CSR 50-350.040. Original rule filed Nov. 10, 1993, effective June 6, 1994. Changed to 5 CSR 50-350.040 and amended: Filed Sept. 27, 2000, effective May 30, 2001. Amended: Filed Feb. 28, 2003, effective Sept. 30, 2003. Amended: Filed Nov. 28, 2006, effective June 30, 2007. Moved to 5 CSR 20-100.200, effective Aug. 16, 2011. Amended: Filed Feb. 28, 2012, effective Sept. 30, 2012. Amended: Filed Sept. 20, 2018, effective May 30, 2019.*

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

5 CSR 20-100.210 Persistently Dangerous Schools

PURPOSE: This rule will be used in Missouri to establish state compliance with the federal requirement set forth in the Every Student Succeeds Act of 2015, and to determine if any Missouri public elementary and secondary schools are “persistently dangerous.”

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

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

is reinstated by the local board of education.

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

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

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

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

2. An “act of school violence” or “violent behavior” as set forth in section 160.261, RSMo is committed on school property which includes, but is not limited to, school buses or school activities; and

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

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

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

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

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

(4) For the purpose of determining a persistently dangerous school, at a minimum, shall be any offense that would require school administrators to, as soon as reasonably practical, notify the appropriate law enforcement agency. An “act of school violence” or “violent behavior” shall be reported by the school district to the Department of Elementary and Secondary Education (DESE) through Core Data.

AUTHORITY: sections 160.261, 161.092, and 167.171, RSMo 2016. This rule previously filed as 5 CSR 50-355.100. Original rule filed Jan. 14, 2003, effective Aug. 30, 2003. Moved to 5 CSR 20-100.210, effective Aug. 16, 2011. Amended: Filed June 29, 2017, effective Jan. 30, 2018.*

**Original authority: 160.261, RSMo 1985, amended 1987, 1995, 1996, 2000, 2001, 2004, 2008, 2010, 2011, 2012, 2013, 2014; 161.092, RSMo 1963, amended 1973, 2002, 2003, 2013, 2014; and 167.171, RSMo 1963, amended 1969, 1973, 1977, 1986, 1987, 1995, 1996, 1999, 2000, 2004, 2013, 2014.*

5 CSR 20-100.220 Internet Filtering

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

PUBLISHER’S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. 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) Public school districts and public charter schools that offer public access computers, as defined in section 182.825, RSMo, must implement software and/or develop a policy that restricts minors’ ability to access pornographic material pursuant to section 182.827, RSMo.

(2) Public school districts and public charter schools that receive discounts for internet access and internal connections pursuant to 47 U.S.C. section 254(h) and (l) must certify that they are compliant with the Children’s Internet Protection Act (CIPA) (47 CFR section 54.520), which requires the public school district or public charter school to have an Internet safety policy. Therefore, 47 U.S.C. section 254 and 47 CFR section 54.520 are hereby incorporated by reference and made part of this rule, as published by the U.S. Government Publishing Office, 732 North Capitol Street, NW, Washington, DC 20401-0001, on June 2021. A copy of these regulations can also be obtained from the Department of Elementary and Secondary Education, Office of Quality Schools, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480, and its website at <https://dese.mo.gov/governmental-affairs/dese-administrative-rules/incorporated-reference-materials>. This rule does not incorporate any subsequent amendments or additions.

(3) Public school districts and public charter schools must annually certify to the Department of Elementary and Secondary Education through the Assurance Checklist if they have met either section (1) or (2) of this provision, based on their circumstances.

AUTHORITY: sections 161.092, 182.825, and 182.827, RSMo 2016. This rule previously filed as 5 CSR 50-380.020. Original rule filed Oct. 29, 2002, effective April 30, 2003. Moved to 5 CSR 20-100.220, effective Aug. 16, 2011. Amended: Filed June 17, 2021, effective Feb. 28, 2022.*

**Original authority: 161.092, RSMo 1963, amended 1973, 2002, 2003, 2013, 2014; 182.825, RSMo 2002; and 182.827, RSMo 2002.*

5 CSR 20-100.230 Virtual Instruction Program

PURPOSE: This rule establishes policies and procedures for the Missouri Department of Elementary and Secondary Education (department) to implement a public virtual school program to serve school-age students residing in the state, as authorized by section 161.670, RSMo. There are two (2) paths to become an approved Missouri Course Access and Virtual School Program (MOCAP) provider, through the procurement process or in partnership with a local education agency (LEA). This rule specifically addresses requirements for LEAs; the same requirements are addressed by the procurement process.

PUBLISHER’S NOTE: The secretary of state has determined that publication of the entire text of the material that 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) General Information.

(A) MOCAP publishes a course catalog of approved courses on its website for any kindergarten through grade twelve (K-12) students residing in Missouri. All MOCAP teachers are Missouri appropriately certified. All courses offered through MOCAP are aligned with Missouri Learning Standards. Failure of an LEA provider established through section 161.670.3(14), RSMo, to stay in compliance with this rule may result in the department revoking, suspending, or taking other corrective action regarding the authorization of the provider and/or courses.

(B) The department shall publish a MOCAP guidance document on its website. The department will provide the guidance document for all school districts, charter schools, and virtual providers in written and electronic forms.

(2) Access.

(A) LEAs.

1. LEAs shall inform parents/guardians of their child’s right to participate in MOCAP by providing a copy of the department’s guidance document to every student and parent or legal guardian of every student enrolled in the LEA at the beginning of each school year, and at the time of enrollment for students enrolling at a different time of the school year. LEAs shall provide a readily viewable link to the electronic version of the guidance document on the main page of the LEA’s website. LEAs shall ensure that the availability of the MOCAP program is made clear in the –

- A. Parent/Guardian Handbook;
- B. Registration documents; and

C. LEA website by featuring the MOCAP website link on the LEA’s homepage.

(B) MOCAP Providers.

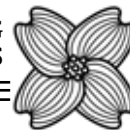
1. All MOCAP providers shall ensure students have weekly, ongoing interaction with their assigned teachers, for the purposes of instruction, feedback, and/or communication.

2. All MOCAP providers shall ensure enrolled students have multiple methods of communication with teachers such as email, telephone, office hours, and synchronous tools (e.g., online chat, etc.). This must include providing students with a direct form of verbal communication. A general phone number that requires students to “hold for the next available teacher,” or something similar, is not acceptable. All MOCAP providers’ teachers should respond to student messages within twenty-four (24) hours on school days, defined as non-holiday weekdays, when school is in session.

3. The LEA shall be able to interact with unhosted MOCAP course providers’ educators from whom the LEA has students receiving instruction, as needed, throughout the online course via multiple methods such as email, telephone, office hours, and synchronous tools (e.g., online chat, etc.). This communication shall not be limited to one (1) specific method.

4. Each full-time MOCAP hosted provider shall develop, adopt, and post on the provider’s website a policy outlining the consequences, including disenrollment, for a student who fails to complete required instructional activities, as outlined in section 161.670.4(1)(a)-(h), RSMo. The parent shall have the opportunity to present information prior to any final disenrollment decision.

5. If a full-time MOCAP hosted provider disenrolls a student from a full-time program for failure to complete required instructional activities, the full-time provider shall provide written notification to the student’s school district of residence within five (5) business days, defined as any non-holiday weekday. The student’s school district of residence shall then provide to the parent or guardian of the student a written



list of available educational options within the next five (5) business days. The resident district shall enroll the student in the selected option according to regular district enrollment procedures.

(3) MOCAP Provider and Course Inclusion in the MOCAP Catalog. There are two (2) methods by which virtual providers and virtual coursework will be included in the MOCAP Catalog:

(A) Request for Proposals. If more than one (1) provider is determined to be in compliance with the provisions of section 161.670, RSMo, the requirements of this rule, to meet qualifications of the MOCAP Qualified Vendor List, to be responsive to the request for proposal issued by the department by meeting the standards for course alignment to Missouri State Learning Standards, web accessibility for students with disabilities, agreeing to all mandatory contractual terms specified within the request for proposal, agreeing to acceptable contractual terms for all negotiable contractual items within the request for proposal, and section 162.1250, RSMo, the department shall ensure that multiple content providers are allowed; and

(B) LEAs.

1. LEAs may request that the department include virtual courses offered by the LEA in the MOCAP catalog.

2. In order to be included in a MOCAP catalog, LEAs must make requests to the MOCAP office by January 1 for inclusion in the fall catalog and by July 1 for inclusion in the spring catalog.

3. An LEA offering online courses or full-time online programming is deemed to be an approved provider; however, before courses are included in the MOCAP catalog, the LEA must demonstrate that it meets the requirements of sections 161.670 and 162.1250, RSMo, and other requirements for doing business in Missouri, as required by law, including but not limited to –

A. Pricing and billing structures meet the requirements of section 161.670, RSMo;

B. Student information is secure and the LEA's designee signs the department's attestation that they have measures in place to comply with the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. section 1232g; 34 CFR Part 99) and to prevent data breaches and that data breaches are reported pursuant to sections 162.1475 and 407.1500, RSMo;

C. Courses are taught by teachers appropriately certified by the department as required by section 161.670, RSMo;

D. Courses meet the standards of Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. section 794(d)), to assure compliance with federal web accessibility laws;

E. Courses are aligned to Missouri State Learning Standards;

F. Provide assurance through Cloud Service Agreement Review;

G. Provide the MOCAP checklist to the department to indicate which accommodations and modifications the provider is able to offer;

H. Certify business status, enrollment documentation, and work authorization when services are not provided directly by the LEA;

I. Integrate with and utilize the student information system contracted by the department for student enrollment and data collection; and

J. Provide information to the department regarding products or services performed at sites outside of the United States, employee conflicts of interest, and proposed subcontractors.

4. If an LEA sponsors, co-brands, licenses, purchases,

contracts for, or otherwise offers through MOCAP any virtual courses or a full-time virtual program, the LEA is the approved provider and must comply with the MOCAP provider's responsibilities under state law.

(4) Reporting. The following are requirements for reporting MOCAP coursework:

(A) LEAs will report MOCAP courses using the appropriate Core Data delivery system codes specified by the department; and

(B) Providers.

1. Providers must –

A. Ensure that an Education Services Plan (ESP) and Collaborative Agreement is created to provide all services required to ensure a free and appropriate public education (FAPE);

B. Monitor individual student progress and engagement of students enrolled in MOCAP courses with non-hosted providers, as related to the student's instructional activities, as outlined in section 161.670.4(1)(a)-(h), RSMo; provide student progress reports for each student enrolled in MOCAP courses at least four (4) times per school year to the resident LEA; provide the resident school district ongoing access to academic and other relevant information on student progress and engagement; and terminate or alter the course offering if it is found the course is not meeting the educational needs of the students;

C. In consultation with the host LEA, terminate or alter the virtual school program if it is not meeting the educational needs of the students;

D. Transmit reports to the department in a manner and format and on a timeline specified by the department;

E. Provide LEAs with accurate and timely progress reporting for MOCAP course enrollments through a secure online portal, updated at least weekly;

F. Provide LEAs with monthly billing invoices based on the student's completion of assignments and assessments for MOCAP course enrollments that include the student's overall progress and current grade in the course; and

G. Submit Student Membership data for full-time virtual program attendance center to the department in Core Data reports to ensure that state aid calculations can be completed.

2. All courses offered by MOCAP providers must use course numbers established by the department.

(5) MOCAP Course Enrollment Process.

(A) Each LEA shall adopt an enrollment policy by which a student may enroll into MOCAP courses that is substantially similar to the typical process the LEA would use to enroll students into non-virtual courses.

1. If a student, excluding students with an Individualized Education Program (IEP) or a Section 504 plan, requests enrollment in a MOCAP course, the LEA must either approve or deny the initial request within ten (10) business days. The ten (10) business day period will begin when the LEA receives the request.

2. If the LEA denies the student's request to enroll in a MOCAP course, the LEA must provide written notification stating the reasons for the denial, with the reasons being for good cause. Good cause justification for denial is based on the educational best interests of the student and shall be consistent with the determination that would be made by the LEA for similar course requests, except that the LEA may also consider the suitability of virtual coursework based on prior participation in virtual courses by the student.

3. The LEA may not deny a student his or her choice of a



MOCAP program because the LEA does not generally approve of virtual learning or because the LEA prefers a different virtual course or program.

4. A failure to render and communicate the initial decision and the right to appeal denial to the student and student's guardians within ten (10) business days will be deemed to be an enrollment approval.

(B) MOCAP enrollment decisions for students with disabilities must be made by the student's IEP team or Section 504 committee.

(C) The LEA shall create an appeal process for denials of MOCAP course enrollments available to parents or guardians that uses a process which is substantially similar to the process that is available to students for appeals for students seeking to enroll in courses offered by the LEA. The LEA's governing board must render a decision within thirty (30) days.

(6) MOCAP Full-Time Hosted Program Enrollment Process.

(A) Each host LEA of a full-time virtual school program under MOCAP must operate and implement the following enrollment policy for students interested in enrolling in the program of his or her choice:

1. All necessary enrollment decisions should be made within ten (10) business days, unless additional time is necessary to complete the process;

2. The full-time virtual provider and host district shall make an enrollment decision after an enrollment request from a parent or guardian and provide the student's parent or guardian with written notification of an enrollment decision;

3. To the extent that the resident LEA wishes to provide relevant information and input related to the student's requested enrollment into the MOCAP program, it must do so within ten (10) business days of notice of the student's enrollment application and will complete an ESP and Collaborative Agreement for any student only if additional services are deemed necessary;

4. For any enrolling full-time MOCAP student, the host district will verify and document the student's Missouri residency as defined under section 167.151, RSMo;

5. For any enrolling full-time MOCAP student with an existing IEP, the host district will use the IDEA transfer process to conduct the student's IEP team meeting;

6. For any enrolling full-time MOCAP student, including students receiving special education services under IDEA, the student's parent or guardian, the virtual provider, the host district, and any other relevant party must work in good faith to create an ESP and Collaborative Agreement to the extent required to ensure a FAPE that considers and outlines all education services and supports, facilities and financial terms needed for the educational programming of the student. The host district must complete a final draft of the student's ESP, Collaborative Agreement, and enrollment plan; and

7. Any full-time MOCAP student disenrolled from a hosted program who was not enrolled in his or her resident district prior to enrolling in the full-time MOCAP program will be counted as a dropout student in Core Data for the host district if after the resident district fulfills its obligations under section 161.670.4(4) another school does not request the records of the student and the student's parent or guardian has not filed a declaration as provided in section 167.042, RSMo.

(B) If a student's enrollment request is denied, the full-time MOCAP provider shall provide a written notification to the student, the student's parent or guardian, the host LEA, and the resident LEA setting forth the enrollment decision, and all reasons for such disapproval. The full-time MOCAP provider

must provide such notification by the twelfth business day after the resident LEA is notified of the student's enrollment application and has provided information and input regarding the application or has not done so within the ten (10) business days allowed for such information. Failure to provide such written notification regarding the enrollment decision within that time frame will result in the application being deemed approved.

(C) The full-time MOCAP provider must create an appeals process for any denial of an enrollment request that allows the parent or guardian a reasonable opportunity to present to the program's head of school, executive director, or similarly titled program leader any relevant information to be considered on appeal. The determination by the parent that the program is in the best educational interest of the student shall be given significant weight and will only be overruled based upon a preponderance of the evidence that the virtual program is not in the best educational interest of the student. The full-time MOCAP provider must render a decision within three (3) business days.

(7) Each semester, LEAs must file with the department, in a manner and at the time specified by the department, the number of MOCAP applications they received along with the number of applications approved and the number denied.

(8) Instructional Process.

(A) LEAs.

1. Special Education/Section 504 Requirements.

A. Pursuant to the IDEA (20 U.S.C. section 1400, et seq., and its implementation regulations at 34 CFR section 300) and the Americans with Disabilities Act (Section 504) (42 U.S.C. section 12101, et seq., and its implementation regulations at 34 CFR section 104), the identification and education of students with disabilities or students who are in need of accommodations contained in an IEP and/or a Section 504 plan is the responsibility of the LEA that enrolls the student.

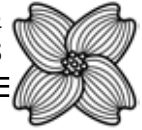
B. The IEP team or Section 504 committee of the student is responsible for making the determination that registering a student with an IEP or a Section 504 plan in a MOCAP course is in the educational best interest of the student and will confer FAPE.

C. If the IEP team or the Section 504 committee determine that a student's enrollment in MOCAP is appropriate, then the IEP or Section 504 plan may be revised to include the services, aids, supports, accommodations, and modifications that will be required in order for the IEP or Section 504 plan to be reasonably calculated to confer educational benefit to the student.

D. If an IEP team or a Section 504 committee determines that a student may enroll in MOCAP courses, the LEA shall send the MOCAP provider a description of the accommodations and modifications contained in the IEP or Section 504 plan. The LEA and provider(s) must work closely together to develop and implement a monitoring protocol or process to ensure that the provider is implementing the accommodations and modifications as written in the IEP or Section 504 plan. This will include participation in IEP team or Section 504 committee meetings by the provider's teacher, as necessary.

E. If a provider fails to implement accommodations and modifications, the IEP team or the Section 504 committee may reconsider approval for the student taking virtual courses at any time.

F. The LEA (through the IEP team or the Section 504 committee) may initially, or after reevaluation, determine



that based upon a student’s unique needs, an online program is not appropriate to confer FAPE, even with the provision of appropriate and individualized accommodations, modifications, aids, or services. Such a determination is subject to the parents’/guardians’ rights and procedural safeguards under IDEA and Section 504, respectively.

G. The LEA shall provide to the MOCAP course provider the reasons for any determination by an IEP team or a Section 504 committee to discontinue any online program for a student enrolled in MOCAP courses, when it is related to failure on the part of the provider to provide the required accommodations and modifications.

(B) MOCAP Providers.

1. MOCAP providers shall furnish LEAs, parents or guardians, and students with policies on academic integrity, internet etiquette, plagiarism, and privacy before the beginning of each course. These policies must be emailed to the LEAs, parents/guardians or guardians, and students. The provider must post copies of all academic integrity, internet etiquette, and privacy information on the provider’s website before providing courseware or services to any student.

2. MOCAP providers will treat all student personally identifiable information, as that term is defined in 34 CFR section 99.3, as confidential, whether or not the student has been officially enrolled in the provider’s program. Providers will notify the department, any impacted LEAs, and its affiliates and subcontractors, if applicable, in the event of a data breach relating to student personally identifiable information, within twenty-four (24) hours, and will follow all applicable state and federal law with respect to required parent/guardian and student notifications.

3. Student-teacher ratios shall not exceed the recommended Missouri School Improvement Program (MSIP) classroom size guidelines for seated instruction set forth in 5 CSR 20-100.125. Within five (5) business days after receiving a student-teacher ratio request from the department, the course provider shall provide proof this requirement is being met.

4. Prior to adding a teacher or changing a teacher’s course assignment during a semester, the provider shall communicate with the department to ensure certification requirements are met.

5. Special Education/Section 504 Requirements.

A. MOCAP providers must –

(I) Sign and return the accommodations and modifications checklist to the department;

(II) Work closely with the LEA to develop and implement a monitoring protocol or process to ensure that the accommodations and modifications are being implemented by the provider as written in the IEP or Section 504 plan. This will include participation in IEP team or Section 504 committee meetings by the provider’s teacher, as necessary; and

(III) Work with the LEA staff to ensure that a student’s IEP goals are being met and/or that a student has the required accommodations and modifications.

(9) 20 U.S.C. section 1232g; 34 CFR part 99; 29 U.S.C section 794(d); 20 U.S.C. section 1400 et seq.; 34 CFR section 300; and 42 U.S.C. section 12101, et seq., are incorporated by reference and made a part of this rule as published by the U.S. Government Publishing Office, 732 North Capitol Street NW, Washington, DC 20401-0001 in January 2023. Copies of these regulations can also be obtained from the Department of Elementary and Secondary Education, Office of Quality Schools, Education Support Services Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480 and at <https://dese.mo.gov/>

governmental-affairs/dese-administrativerules/incorporated-reference-materials.

AUTHORITY: section 161.092, RSMo 2016, and section 161.670, RSMo Supp. 2023. This rule previously filed as 5 CSR 50-500.010. Original rule filed Sept. 12, 2007, effective March 30, 2008. Moved to 5 CSR 20-100.230, effective Aug. 16, 2011. Amended: Filed Jan. 15, 2019, effective Aug. 30, 2019. Amended: Filed June 12, 2020, effective Jan. 30, 2021. Amended: Filed Dec. 14, 2020, effective July 30, 2021. Amended: Filed Jan. 17, 2023, effective May 30, 2024.*

**Original authority: 161.092, RSMo 1963, amended 1973, 2002, 2003, 2013, 2014, and 161.670, RSMo 2006, amended 2018.*

5 CSR 20-100.250 Charter Schools

(Rescinded March 30, 2021)

AUTHORITY: sections 160.400 and 161.092, RSMo Supp. 2011, and section 2(A) of Art. IX, Mo. Const. Original rule filed Jan. 24, 2012, effective Aug. 30, 2012. Rescinded: Filed Aug. 26, 2020, effective March 30, 2021.

5 CSR 20-100.255 Missouri School Improvement Program–5 Resource and Process Standards and Indicators

(Rescinded January 30, 2024)

AUTHORITY: sections 160.514, 160.526, and 167.131, RSMo 2000, and sections 160.518, 161.092, 162.081, and 168.081, RSMo Supp. 2012. Original rule filed Sept. 20, 2012, effective Jan. 22, 2015. Rescinded: Filed June 7, 2023, effective Jan. 30, 2024.

5 CSR 20-100.260 Standards for Charter Sponsorship

PURPOSE: This rule establishes the standards and indicators for charter sponsorship as required by the Missouri Department of Elementary and Secondary Education. These standards serve as the foundation for the sponsor application process as required by section 160.403, RSMo, and the evaluation process for sponsors required in section 160.400.17(1), RSMo.

(1) Standard 1 – Sponsor Commitment and Capacity. The sponsor believes that chartering is a means to provide children with access to quality public schools that meet identified needs. The sponsor creates organizational systems and structures to fulfill its sponsorship duties and commits human and financial resources necessary to conduct its sponsoring duties effectively and efficiently. The sponsor shall –

(A) Ensure that all sponsorship staff and members of the sponsor’s decision-making body understand and are committed to supporting and advancing the purposes of Missouri’s charter school law and quality sponsorship practices;

(B) Engage in the sponsorship of charter schools according to the provisions and stipulations of section 160.400.2–5, RSMo, which address the types of entities that may sponsor charter schools and under what conditions;

(C) Employ, contract for, or otherwise provide personnel at a staffing level appropriate and sufficient to carry out its sponsorship duties, which require expertise that includes, but is not limited to, education leadership, curriculum, instruction, assessment, special education, federal programs, performance accountability, data analysis, law, finance, and nonprofit governance;



(D) Provide or provide access to professional development opportunities for staff to achieve and maintain high standards of professional sponsoring practice and to promote continuous improvement;

(E) Retain records showing that all individuals conducting sponsorship work, including any individual who has contact with students, complete a criminal background check and Missouri's Family Care Safety Registry (FCSR) check as outlined in section 168.133.1, RSMo;

(F) Ensure that sponsor staff and members of the sponsor's decision-making body comply with the charter school office's or the sponsor's conflict of interest policy with respect to the charter schools it sponsors;

(G) Regularly evaluate its work against Missouri's charter school law and these standards, and develop and implement timely plans for improvement when it falls short;

(H) Provide an annual report to the joint committee on education, as outlined in section 160.400.12, RSMo, that includes sufficient data and information to demonstrate that the sponsor is in material compliance with sections 160.400 to 160.425, RSMo, and section 167.349, RSMo; and

(I) Annually submit, on the form provided by the Department of Elementary and Secondary Education (department), documentation showing that ninety percent (90%) of state funds expended during said fiscal year, are expended for sponsoring in support of the sponsor's charter school sponsorship program or as a direct investment in the sponsored schools, in accordance with section 160.400.11, RSMo.

(2) Standard 2 – Application Process and Decision Making. The sponsor implements a comprehensive application process that includes clear application materials and guidance; follows fair, transparent procedures, timelines, and rigorous evaluation criteria; and approves only those charter applications that demonstrate a strong capacity to establish and operate quality charter schools. The sponsor shall –

(A) Implement a thorough charter application process as outlined in section 160.400.11(2), RSMo, and according to the timeline outlined in section 160.405.2(1)–(4), RSMo, without requiring any fee from the applicant in accordance with section 160.400.6, RSMo;

(B) Develop and make readily available a charter application that –

1. Includes comprehensive questions to elicit the information needed for a rigorous evaluation of the applicant's plans and capacity in accordance with the requirements stated in section 160.405.1(1)–(17), RSMo;

2. Clearly articulates any chartering priorities the sponsor may have established, including the priority to serve high-risk students in accordance with section 160.405.2(5), RSMo; and

3. Includes clear criteria for the evaluation of charter applications;

(C) Differentiate or supplement application requirements and corresponding evaluation criteria for applicants who currently oversee or manage charter schools in Missouri or other states;

(D) For applicants that are existing school operators, ensure that the application requires –

1. Specific information about the existing operator's prior academic achievement, particularly if the applicant has operated or is operating schools in Missouri, and successful management of nonacademic school functions, including financial and organizational performance, in accordance with section 160.415.7, RSMo;

2. An explanation of any never-opened, terminated, or

non-renewed charter schools (including terminated or non-renewed third-party contracts to operate charter schools) within the last five (5) years and other such requirements as outlined in section 160.415.7, RSMo;

3. A description of the existing school operator's proposed growth plan; and

4. The operator's most recent financial audits;

(E) For applicants that intend to contract with an education service provider for substantial educational or charter school management services, ensure that the application requires –

1. A draft of the proposed management services agreement that sets forth proposed key terms, including roles and responsibilities of the charter school governing board, the charter school staff, and the service provider; the services to be provided; the measures by which the charter school governing board will evaluate the service provider; a detailed explanation of compensation to be paid to the service provider; financial controls and oversight; methods of contract oversight and enforcement; and conditions for contract renewal and termination; and

2. A disclosure and explanation of any existing or potential conflicts of interest between the charter school governing board and proposed service provider or any affiliated business entities;

(F) Engage teams of qualified application evaluators with relevant educational, organizational (governance and management), financial, and legal expertise to review and evaluate the charter application according to the established evaluation criteria;

(G) Provide orientation or training to application evaluators to ensure consistency in the application of the approval criteria;

(H) Conduct an in-person interview with each qualified applicant to examine the applicant's experience and capacity, and conduct due diligence to examine the applicant's experience, capacity, and track record of performance;

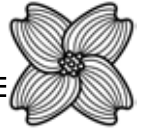
(I) Advise charter applicants of the meaning of local education agency (LEA) status as it concerns the operation of the charter school as outlined in section 160.415.4, RSMo;

(J) Grant charters only to applicants that have demonstrated competence and capacity to succeed in all aspects of the school, with particular consideration to any available information about schools previously operated in Missouri, if applicable, and consistent with the published application evaluation criteria, in accordance with sections 160.400.11(2) and 160.405.2(2), RSMo;

(K) Promptly notify applicants of approval or denial and, if the charter is denied, notify the applicant in writing explaining the factors that determined the decision in accordance with section 160.405.2(3), RSMo; and

(L) Submit an electronic copy of each approved charter, accompanied by a statement finding that the application meets the statutory requirements and the monitoring plan under which the sponsor will evaluate the academic performance of the charter school, to the department for review by November 10th (or the next business day if November 10th falls on a Saturday or Sunday) of the year prior to the proposed opening date of the charter school as outlined in and in accordance with section 160.405.3, RSMo.

(3) Standard 3 – Charter Contract. Charter contract is defined as a document, executed by the sponsor and the school, which is separate from the charter application that clearly articulates the rights and responsibilities of each party regarding charter school autonomy, expected outcomes, measures for



evaluating success or failure, performance consequences based on the annual performance report, and other material terms. In accordance with section 160.400.11(3), RSMo, the sponsor executes a charter contract with each charter school that articulates the rights and responsibilities of each party regarding: school autonomy, funding, administration and oversight, outcomes, the measures for evaluating success or failure, performance consequences, and other material terms. The sponsor shall –

(A) Execute a charter contract with each approved charter school, which must be organized as a Missouri nonprofit corporation, for an initial term of five (5) years, which may be renewed, in accordance with section 160.405.1(9), RSMo. The charter contract shall define –

1. The standards for intervention, probation, renewal, non-renewal, and revocation while also establishing the consequences for not meeting those standards, in accordance with sections 160.405.8 and 160.405.9(2)–(3) RSMo;

2. A set of reasonable pre-opening requirements or conditions for a new charter school to open to ensure that it meets all health, safety, and other legal requirements prior to opening; and

3. A process that charter schools and sponsors must follow, in accordance with section 160.405.6, RSMo, to amend charter contracts and the types of material modifications that require sponsor approval. The sponsor shall submit any such approved amendments to the department within thirty (30) days of approval;

(B) Include in said charter contract or incorporate by reference clearly defined performance expectations for the term of the contract, the sources of data to evaluate charter school performance against these expectations, and the targets that the charter school must meet to earn renewal in the following areas:

1. Pupil academic standards for all students and significant student subgroups within each charter school, aligned to standards adopted by the State Board of Education, as outlined in and in accordance with sections 160.405.1(7), 160.405.4(6), and 160.405.9(2)(a), RSMo;

2. Financial performance expectations, which measure both near-term and long-term financial health, including, but not limited to, those outlined in section 160.405.9(2)(b), RSMo; and

3. Organizational performance expectations, including, but not limited to, compliance with all governance-related laws, the fulfillment of all state and federal requirements regarding fair and appropriate service to students with disabilities, and the maintenance of a safe and operationally sound facility, as outlined in sections 160.405.4 and 160.405.11–14, RSMo;

(C) If a charter school is planning to contract with an education service provider for substantial educational or school management services, ensure that the charter contract clearly establishes the primacy of the charter contract over the management services contract; and

(D) To the extent the sponsor, outside of the charter school office, is providing any fee-based services to its charter schools, clearly state in writing, in the charter contract or elsewhere, that such services are not, nor ever will be, a condition of sponsorship.

(4) Standard 4 – Ongoing Oversight and Evaluation. The sponsor conducts charter school oversight that evaluates charter school performance; monitors charter school compliance with both federal and state statutes and regulations; ensures charter

school autonomy; protects student rights; informs charter school intervention, probation, revocation, and renewal decisions; and provides annual public reports on charter school performance. The sponsor shall –

(A) Implement a comprehensive performance accountability and compliance monitoring system that –

1. Is defined in the charter contract;

2. Provides the sponsor with the information necessary to make thorough and evidence-based intervention, probation, renewal, non-renewal, and revocation decisions; and

3. Effectively streamlines federal, state, and local performance expectations and compliance requirements while protecting charter school autonomy and minimizing charter school administrative and reporting burdens;

(B) Define and communicate this performance accountability and compliance monitoring system to charter schools, including the process, methods, and timing of gathering and reporting charter school performance and compliance data;

(C) Visit each charter school as appropriate and necessary for collecting data that cannot otherwise be obtained and in accordance with the contract, while ensuring that the frequency, purposes, and methods of such visits respect charter school autonomy and avoids operational interference;

(D) Communicate regularly with charter schools, as needed, including both school leaders and governing boards, and provide timely notice of contract violations, performance deficiencies, and mandated interventions, including probationary status, as outlined in section 160.405.8, RSMo;

(E) In accordance with section 160.405.7, RSMo, evaluate and publish on the sponsor's website an annual performance report for each charter school, which shall include an analysis of each charter school's performance and progress toward meeting the expectations and targets stated in the charter contract, including subgroup performance and essential compliance requirements, and clearly communicate evaluation results to the charter school's governing board and leadership;

(F) Refrain from directing charter school decisions or choices that are appropriately within a school's purview under the charter law or contract;

(G) Monitor compliance with all state and federal requirements and guidelines regarding services to students, including, but not limited to, special education; all title programs; career and technical education; food service; and services for foster, homeless, immigrant, and English language learner students;

(H) Monitor compliance with specific state public education requirements that apply to charter schools, including, but not limited to –

1. Requirements relating to student discipline as outlined in sections 160.261, 167.161, 167.164, and 167.171, RSMo;

2. Notification of criminal conduct to law enforcement authorities as outlined in sections 167.115–117, RSMo;

3. Academic assessment of pupils, including that all eligible students participate in the Missouri Assessment Program (MAP), as outlined in section 160.518, RSMo;

4. Transmittal of charter school records to a requesting school official as outlined in section 167.020, RSMo;

5. Provision of the minimum amount of school time required as outlined in section 171.031, RSMo;

6. For charter school employees and board members, timely completion of criminal history background checks and the family care safety registry checks as outlined in section 168.133, RSMo;

7. Maintenance of policies consistent with the Family Educational Rights and Privacy Act (FERPA) and the Health



Insurance Portability and Accountability Act (HIPAA) guidelines to the extent they are applicable;

8. Certification of staff and participation in the appropriate employee retirement system as outlined in section 160.420, RSMo; and

9. Provision of education and services to students with disabilities, as outlined in sections 162.670 and 162.710, RSMo, the Individuals with Disabilities Education Act (20 U.S.C. Section 1400) and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Section 794) or successor legislation;

(I) Verify that charter schools admit students through a non-discriminatory process that grants admission to resident and non-resident students eligible to attend through an urban voluntary transfer program or from an unaccredited school district, as outlined in sections 160.410.1 and 160.410.3, RSMo;

(J) Monitor the admission process of any charter school where capacity is insufficient to enroll all students who submit a timely application, to ensure that the process complies with the terms outlined in section 160.410.2, RSMo;

(K) Monitor the charter school board's compliance with various governance-related laws, including, but not limited to –

1. Retention of necessary board records as required by the general record retention schedule and the public school record retention schedule as outlined in section 109.255, RSMo;

2. Submission of financial interest statements annually as outlined in sections 105.483, 105.485, and 105.492, RSMo;

3. Maintenance of conflict of interest policies and procedures to address prohibited conflicts as outlined in section 160.400.15, RSMo;

4. Maintenance of a policy to promptly address parent or guardian grievances, as outlined in section 160.405.1(13), RSMo; and

5. Conduct of board and committee business in a manner outlined in the Missouri Sunshine Laws, sections 610.010-610.030, RSMo; and

(L) Ensure that charter school board members are aware of and have access to professional development or training opportunities to perform and fulfill the duties of a charter school board member.

(5) Standard 5 – Fiscal Oversight. The sponsor monitors the charter school's financial performance and compliance with fiduciary provisions in statute. The sponsor shall –

(A) Collect and review annual financial audits of charter schools, conducted by a qualified independent auditor as outlined in section 160.405.4(4), and verify that the annual audit summary is published as outlined in section 165.121.5, RSMo;

(B) Monitor that charter schools' utilization of the coding procedures prescribed in the Missouri Financial Accounting Manual as outlined in section 160.405.1(10), RSMo;

(C) Monitor that the charter's governing board has adopted adequate financial controls to assure that revenues received for operation of the charter school are expended for expenses related to the operation of the charter school, including, but not limited to –

1. Procedures for the charter board to review the monthly check register, as needed, and clarify what level of expenditure necessitates board review and signature on a specific check;

2. Establishment of a bank account, in which state funds are deposited, that is under the control of the charter board; and

3. If the charter contracts with an education service provider for substantial educational or school management

services, establishment of a process to ensure that payments to the service provider receive prior approval of the governing board or its designee, as outlined in section 160.415.7(6), RSMo;

(D) Evaluate each charter school's financial performance against the expectations and targets stated in the charter contract and, by October 1st of each year, identify any charter schools that are financially stressed, as outlined in section 160.417.1, RSMo, and as defined by section 160.417.2, RSMo;

(E) By November 1st of each year, notify the governing board of any charter school that is identified as financially stressed, and review and approve a budget and education plan developed by the charter school, within forty-five (45) calendar days of such notification, on forms provided by the sponsor. In addition to the requirements outlined in section 160.417.3, RSMo, the budget and education plan must clearly outline the basis for such identification, the steps the charter school will take to remedy the financial stress, responsible individuals, corresponding deadlines and timeframes, the outcomes that the charter school must achieve to exit this designation, and the steps that the sponsor may take, including revocation, if the charter school does not appropriately remedy the financial stress by March 1st of the current school year. The sponsor may also place any school identified as financially stressed on probation in accordance with section 160.405.8, RSMo. The department may withhold any payment of financial aid due to the charter school until the charter school and sponsor have fully complied with this requirement, as outlined in section 160.417.5, RSMo;

(F) To the extent necessary, cooperate with the department in its monitoring of charter schools' fiscal management of federal grant programs, and consider any findings by the department with respect to said fiscal management in sponsor's decision making; and

(G) Ensure that charter schools submit the Annual Secretary of the Board Report (ASBR) and an annual independent financial audit to the department in the timeframe outlined by Missouri statute and verify that no conflict of interest exists between the financial auditor and the person or persons who prepared the ASBR as outlined in 160.417 and 162.821, RSMo.

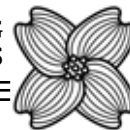
(6) Standard 6 – Renewal, Replication, Expansion, Revocation, and Closure Decision Making. The sponsor implements a transparent and rigorous process that uses comprehensive academic, financial, and organizational performance data to make decisions about renewal, replication, expansion, revocation, and closure. The sponsor shall –

(A) Base the renewal process and renewal decisions on thorough analyses of a comprehensive body of objective evidence defined by the charter contract consistent with section 160.405.9(2)–(3), RSMo;

(B) Provide each charter school, in advance of the renewal decision, a cumulative performance report that summarizes the charter school's performance record over the charter term in accordance with the performance expectations set forth in the charter contract, and states the sponsor's summative findings concerning charter school performance and its prospects for renewal;

(C) Grant renewal to charter schools that have achieved the performance expectations and corresponding targets stated in the charter contract, are organizationally and fiscally viable, and have been diligent to the terms of the contract and applicable law, consistent with sections 160.400.11(5) and 160.405.9(2)–(3), RSMo;

(D) To the extent the charter school qualifies for an expedited renewal process, as defined by section 160.405.9(2)(d), the



sponsor shall implement a streamlined renewal process, which decreases the burden on the charter school (i.e., fewer application requirements, a more targeted document request, or a shorter renewal site visit) and the amount of time between submission of the renewal application and the sponsor's decision;

(E) Promptly notify in writing each charter school of the sponsor's renewal or non-renewal decision, including explanation of the reasons for the decision;

(F) In accordance with section 160.408, RSMo, provide "high-quality charter schools," as defined by section 160.408, RSMo, with opportunities for expedited replication and expansion;

(G) Base decisions to approve additional charter school sites or to expand grade levels on thorough analyses of a comprehensive body of objective evidence defined by the charter contract;

(H) Revoke a charter during the charter term if there is clear evidence of underperformance or violation of law or the public trust that imperils students or public funds as outlined in section 160.405.8, RSMo;

(I) In the event of a revocation, provide charter schools written notice at least sixty (60) days prior to revoking the charter, as outlined in section 160.405.8(3), RSMo, and establish clear procedures to conduct an administrative hearing regarding the potential charter revocation, as outlined in section 160.405.8(4), RSMo; and

(J) Maintain and implement a clear charter school closure process, including, but not limited to, clear procedures to ensure orderly transition of student records, archival of business operation, transfer of personnel records, submission of financial reports, resolution of financial obligations, disposition of charter school assets, and a notification plan to inform parents or guardians, among other stakeholders, of the closure action within thirty (30) days of the decision to close, as outlined in section 160.405.1(15), RSMo.

AUTHORITY: sections 160.400–160.425, RSMo 2016 and RSMo Supp. 2018, and section 161.092, RSMo 2016. Original rule filed Dec. 3, 2012, effective June 30, 2013. Amended: Filed Dec. 8, 2016, effective July 30, 2017. Amended: Filed Nov. 29, 2018, effective June 30, 2019.*

**Original authority: 160.400, RSMo 1998, amended 2005, 2009, 2012, 2016; 160.403, RSMo 2012, amended 2016; 160.405, RSMo 1998, amended 2005, 2009, 2012, 2016; 160.408, RSMo 2016; 160.410, RSMo 1998, amended 2005, 2009, 2012, 2016, 2018; 160.415, RSMo 1998, amended 1999, 2005, 2012, 2016; 160.417, RSMo 2012, amended 2016; 160.420, RSMo 1998, amended 2001, 2005, 2012; 160.425, RSMo 2012; and 161.092, RSMo 1963, amended 1973, 2002, 2003, 2013, 2014.*

5 CSR 20-100.265 Charter School Closure

PURPOSE: This rule establishes processes and procedures for charter school sponsors to close a charter school as required by the Missouri Department of Elementary and Secondary Education. These processes and procedures serve as a foundation for closures as authorized by sections 160.400.16(6) and 160.405.15, RSMo Supp. 2013.

(1) Communication. The charter school sponsor (sponsor) will closely monitor the charter school's clear, adequate, and timely communication with parents, school staff, the community, and all stakeholder groups regarding the closing of a charter school to ensure that students, families, staff, and community have the support needed for student transfer/transition.

(2) Student Records. The sponsor will closely monitor the charter school's transfer of all student records in accordance with privacy rules set forth in the Family Educational Rights and Privacy Act (FERPA) and any applicable state record retention schedules/policies/laws, including, but not limited to:

(A) Conducting a review to determine that all student records are complete and located in a secure location;

(B) Compiling student records into a format that is electronically transferable;

(C) Providing staff for purposes of transferring student records to other schools as the charter school closes; and

(D) Transferring, in a timely manner, all student-related records for retention and historical accessibility to the local school district as required under the Public School Records Retention Schedule (PSRRS) (section 109.255, RSMo 2000).

(3) Business and Personnel Records. The sponsor shall coordinate efforts regarding all personnel, governance, and financial records that are retained according to the PSRRS.

(4) Submission of Final Data and Reports. The sponsor shall coordinate efforts for the completion of all data and reporting for the closing charter school, including, but not limited to:

(A) Annual Secretary of the Board Report (ASBR) by August 15 of the year of closing;

(B) Final audit submitted before December 31 of the year of closing;

(C) Program evaluation reports and final expenditure reports (FER) submitted for all federal/state programs in which the closing charter school participated;

(D) Submission of core data and the Missouri Student Information System (MOSIS) data; and

(E) Required student testing.

(5) Resolution of Financial Obligations. During the dissolution of a charter school, the sponsor shall coordinate efforts to ensure the meeting of financial obligations associated as required in section 160.415.12, RSMo.

(A) The sponsor is responsible for the oversight of unobligated assets of the charter school. The sponsor contractually requires –

1. Quarterly accountability reports on receipts and expenditures;

2. Quarterly bank statements for the closing charter school accounts;

3. Monitoring of all expenditures during and after school closure to ensure such expenditures are essential to the closing process; and

4. An independent audit be conducted for any remaining funds if more than three (3) months lapse from the official closure of the charter school.

(B) If the charter school does not have sufficient funds to close out the year, the sponsor is responsible for oversight and reporting as required in section 160.405.1(15)(a-f), RSMo.

(6) Disposition of Assets. Distribution of materials and equipment purchased with state funds will be determined by the charter school's plan/policy for disposition of assets. The sponsor will closely monitor the reallocation of equipment and materials from a closed charter school to reasonably assure the equipment and materials follow the students to their new school. For equipment and or materials exceeding a total value of five thousand dollars (\$5,000) purchased with federal funds and in accordance with federal guidelines, the sponsor shall verify that –



(A) A physical verification that federally purchased equipment or electronic items is conducted;

(B) An inventory of available items is sent to all local educational agencies (LEAs) and the district within the physical boundaries of the public school district within sixty (60) days of the school closure;

(C) An opportunity for LEAs/districts interested in acquiring inventory items to send a written request for equipment or materials to the school and sponsor; and

(D) Distribution of equipment or materials is based on –

1. Any equipment and material required for an Individual Education Plan (IEP) for a student with disabilities must follow the student to his/her new public school;

2. All equipment and materials purchased with federal IDEA Part B funds must be sent to a public special education program for use by students with disabilities;

3. All materials/equipment purchased with specific funding sources (Perkins, Title I, discretionary grants) must be sent to other LEAs participating in those programs;

4. The percentage of students transferring from the closed charter to the requesting LEAs/district; or

5. By lottery.

AUTHORITY: sections 160.400–160.425 and 161.092, RSMo Supp. 2013. Original rule filed Sept. 27, 2013, effective May 30, 2014.*

**Original authority: 160.400–160.425, RSMo, see Revised Statutes of Missouri Supp. 2012 and 161.092, RSMo 1963, amended 1973, 2002, 2003, 2013.*

5 CSR 20-100.270 Charter Sponsorship Inflation Adjustment

PURPOSE: This rule establishes the method of adjustment for inflation for charter sponsorship payment as required by the Department of Elementary and Secondary Education (department). The inflation adjustment serves to keep current the funding for the sponsor oversight for sponsors remaining in good standing by fulfilling the obligations under sections 160.400 to 160.425, 161.092, and 167.349, RSMo.

(1) Section 160.400.11, RSMo, requires that the expenses of charter school sponsorship shall be defrayed by the department retaining one and five-tenths percent (1.5%) of the amount of state and local funding allocated to a charter school, not to exceed one hundred twenty-five thousand dollars (\$125,000), adjusted for inflation.

(2) Beginning with the 2016-17 school year, the Consumer Price Index (CPI) will be used to calculate the inflation adjustment for only those charter sponsors that have reached the maximum one hundred twenty-five thousand dollars (\$125,000). The department will calculate the rate of inflation to be applied to the one hundred twenty-five thousand dollar (\$125,000) limit as follows:

(A) The base for the calculation is the December 2006 CPI as calculated by the U.S. Bureau of Labor Statistics;

(B) The CPI for December 2006 will be divided into the CPI as calculated by the U.S. Bureau of Labor Statistics for the December immediately preceding the beginning of the current fiscal year; and

(C) The quotient derived will be multiplied by one hundred twenty-five thousand dollars (\$125,000) and the result will be the maximum payment to sponsors for the current year.

AUTHORITY: sections 160.400 to 160.425 and 167.349, RSMo Supp.

2013, and section 161.092, RSMo Supp. 2014. Original rule filed Dec. 9, 2015, effective July 30, 2016.

**Original authority: 160.400–160.425, RSMo, See Revised Statutes of Missouri Supp. 2012 and 161.092, RSMo 1963, amended 1973, 2002, 2003, 2013.*

5 CSR 20-100.275 Transfer of Charter Sponsorship

PURPOSE: This rule establishes requirements and procedures for transfer of sponsorship for charter schools prior to the expiration of a contract between a charter and its sponsor. This transfer process is designed to ensure continuity of support for the charter school, accurate and timely data submissions, and accurate transmittal of funds due to sponsors.

(1) Transfer Requirements and Application.

(A) A transfer of charter school sponsorship from one (1) sponsor to another prior to the expiration of the current contract, may only occur if approved by the State Board of Education (board).

(B) All standards and requirements established in the current charter contract shall remain in effect until the scheduled renewal of the charter school, unless the board approves any changes.

(C) All parties, the charter school, and its current sponsor, along with the proposed sponsor, must submit a joint application for transfer to the board for consideration prior to February 1 to be considered for the following school year. The joint application shall include the following components:

1. An explanation of why the school is seeking to transfer to another sponsor, including:

A. Evidence that the applicant has solicited input from and notified students in grades 5-12, parents/guardians, and staff of the request to transfer sponsors at least four (4) months prior to approaching other sponsoring institutions related to potential transfer. Feedback should be included in application for transfer.

(D) The board shall only consider approval of charter school requests to transfer to another sponsor if it finds the transfer applicant has submitted evidence of the criteria outlined in subsection (1)(C), above. The board maintains its discretion to deny a transfer request if the criteria outlined in subsection (1) (C), above, is not met, and for good cause including, but not limited to:

- 1. Failure to seek input from students, parents/guardians, and staff;
- 2. The transfer is motivated by an adverse review by the department; or
- 3. There is evidence of the current sponsor’s unwillingness to end its contract early.

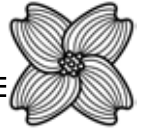
(2) Transition Requirements.

(A) All obligations of the previous charter sponsor shall terminate upon the official date of transfer on June 30.

(B) The receiving sponsor will be responsible for ensuring that all required documents due after the date of transfer are submitted in a timely fashion, including, but not limited to, the Annual Secretary of the Board Report and Financial Audit.

(C) Within thirty (30) days of transfer, the prior charter sponsor shall provide information relevant to the charter school as requested by the proposed sponsor, including, but not limited to assets, student records, and reports.

(D) The proposed sponsor that seeks to sponsor a transferring school must have met all requirements of the Standards of



Charter Sponsorship in its most recent sponsor evaluation.

AUTHORITY: sections 160.405 and 161.092, RSMo 2016. Original rule filed Dec. 11, 2020, effective July 30, 2021.*

**Original authority: 160.405, RSMo 1998, amended 2005, 2009, 2012, 2016 and 161.092, RSMo 1963, amended 1973, 2002, 2003, 2013, 2014.*

5 CSR 20-100.280 Charter School Expedited Renewal Application Process

PURPOSE: This rule establishes the method for expediting the renewal process for a charter school that meets the requirements of section 160.405.9.(2)(d), RSMo 2016.

(1) The sponsor of a charter school that meets the qualifications for expedited renewal will submit the form *Charter School Expedited Renewal Application*, provided by the Department of Elementary and Secondary Education (department), to the charter school section, addressing –

(A) Cover sheet with the current school name, address, superintendent/head administrator, and names of building(s) and principal(s), if applicable;

(B) Articles of Incorporation;

(C) Current, signed performance contract bearing charter school and sponsor signatures, pursuant to section 160.405.1, RSMo;

(D) Current list of charter school board members;

(E) Complete, projected five- (5-) year budget including projected reserves; and

(F) Projected enrollment by grade levels.

AUTHORITY: sections 160.405 and 161.092, RSMo 2016. Original rule filed Dec. 8, 2016, effective July 30, 2017.*

**Original authority: 160.405, RSMo 1998, amended 2005, 2009, 2012, 2016 and 161.092, RSMo 1963, amended 1973, 2002, 2003, 2013, 2014.*

5 CSR 20-100.290 Charter School Expedited Replication and Expansion Application Process

PURPOSE: This rule establishes the method for expediting the replication and expansion application process of a charter school into unaccredited districts, a metropolitan district, or an urban school district containing most of all of a home rule city with more than four hundred thousand (400,000) inhabitants and located in more than one (1) county. Participation is limited to charter schools that receive eighty-five percent (85%) or more of the total points for three (3) out of the last four (4) years on the annual performance report (APR). The expedited replication and expansion process serves to meet the allowance of such as stated in section 160.408, RSMo.

(1) For purposes of this rule, replicate and expand shall be defined as –

(A) Replicate means to open one (1) or more new charter Local Education Agencies (LEA) that is based on the charter school model for which the applicant has presented evidence of success; and

(B) Expand means to increase the number of available seats in an existing charter LEA.

AUTHORITY: sections 160.400 to 160.425 and 167.349, RSMo 2016. Original rule filed Dec. 21, 2016, effective July 30, 2017.*

**Original authority: 160.400, RSMo 1998, amended 2005, 2009, 2012, 2016; 160.403, RSMo 2012, amended 2016; 160.405, RSMo 1998, amended 2005, 2009, 2012, 2016; 160.408, RSMo 2016; 160.410, RSMo 1998, amended 2005, 2009, 2012, 2016; 160.415, RSMo 1998, amended 1999, 2005, 2012, 2016; 160.417, RSMo 2012, amended 2016; 160.420, RSMo 1998, amended 2001, 2005, 2012; 160.425, RSMo 2012; and 167.349, RSMo 1999, amended 2005.*

5 CSR 20-100.300 Instruction for Prekindergarten

PURPOSE: This rule authorizes public schools to provide for the gratuitous education of pupils in prekindergarten.

(1) A public school district may provide for the gratuitous education of pupils in prekindergarten.

(2) Transportation may be provided at district expense for prekindergarten pupils on the same basis as for pupils in kindergarten through grade twelve (K–12), provided no state funds are used.

AUTHORITY: section 161.092, RSMo 2016, and section 163.018, RSMo Supp. 2018. This rule previously filed as 5 CSR 50-340.020 and 5 CSR 20-600.120. Original rule filed Nov. 5, 1969, effective Nov. 15, 1969. Moved to 5 CSR 20-600.120, effective Aug. 16, 2011. Amended: Filed Jan. 22, 2015, effective Aug. 30, 2015. Moved to 5 CSR 20-100.300, effective Sept. 18, 2018.*

**Original authority: 161.092, RSMo 1963, amended 1973, 2002, 2003, 2014 and 163.018, RSMo 2014, amended 2016, 2018.*

5 CSR 20-100.310 General Provisions Governing Programs Authorized Under Early Childhood Development, Education, and Care

(Moved to 5 CSR 25-100.310)

5 CSR 20-100.320 Prekindergarten Program Standards

(Moved to 5 CSR 25-100.320)

5 CSR 20-100.330 General Provisions Governing Programs Authorized Under the Early Childhood Development Act

(Moved to 5 CSR 25-100.330)

5 CSR 20-100.340 School Board Member Orientation and Training

PURPOSE: This rule establishes guidelines and requirements for school board member orientation and training as provided in section 160.530, RSMo and as required in section 162.203, RSMo.

(1) The State Board of Education may expend funds as provided in section 160.530, RSMo, for the benefit of members of boards of education.

(A) Training in areas deemed important for effective board members should include –

1. Issues of policy including purpose, development, adoption, and maintenance of policies, procedures, regulations, and rules;

2. Relationships between board members and with constituents, including but not limited to the superintendent, staff, parents/guardians, patrons, media, and other governmental entities;



3. Long-range and annual planning including developing a vision, mission, and evaluation of progress toward goals;
4. Approval of a budget sufficient to ensure funding to meet district goals;
5. General procedures including topics such as ethics, Missouri's open meetings and records law, parliamentary procedure, duties of officers, agenda setting, and participatory decision making;
6. Information related to student learning and performance measures;
7. Information about state and federal laws governing public schools;
8. Information about preventing the sexual abuse of children; and
9. Information about emergency preparedness, safety, and security of schools.

(2) Board members shall successfully complete orientation and must comply with training requirements outlined in section 162.203, RSMo, within one (1) year of the date of the election or appointment.

(3) Board members must annually complete a minimum of one (1) hour of refresher training consistent with section 162.203, RSMo.

(4) The board member orientation and training shall be offered by a statewide association organized for the benefit of members of boards of education or be approved annually by the State Board of Education. All providers must provide the Department of Elementary and Secondary Education (department) sufficient documentation regarding program content.

(5) All providers must provide documentation of board members' successful completion of content as determined by the department.

(6) Board members who fail to successfully complete any component of the eighteen and one-half (18.5) hours of orientation and training shall retake the component that was not successfully completed at the earliest available training session and at no additional cost to the district.

(7) The State Board of Education may consider a district's failure to complete required annual orientation and training for board members when classifying a school district.

AUTHORITY: sections 160.530 and 162.203, RSMo Supp. 2022, and section 161.092, RSMo 2016. This rule previously filed as 5 CSR 80-850.060 and 5 CSR 20-400.400. Original rule filed Nov. 30, 1993, effective July 10, 1994. Moved to 5 CSR 20-400.400, effective Aug. 16, 2011. Moved and amended to 5 CSR 20-100.340: Filed Dec. 27, 2022, effective July 30, 2023.*

**Original authority: 160.530, RSMo 1993, amended 2002, 2005, 2008, 2015, 2018; 161.092, RSMo 1963, amended 1973, 2002, 2003, 2013, 2014; and 162.203, RSMo 1993, amended 2019.*