

**Rules of**  
**Department of Elementary and**  
**Secondary Education**  
**Division 50—Division of School Improvement**  
**Chapter 345—Missouri School Improvement Program**

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**Title 5—DEPARTMENT OF  
ELEMENTARY AND  
SECONDARY EDUCATION  
Division 50—Division of School  
Improvement  
Chapter 345—Missouri School  
Improvement Program**

**5 CSR 50-345.010 General Provisions**  
(Moved to 5 CSR 30-345.010)

**5 CSR 50-345.020 Policies on Waiver of  
Regulations**

*PURPOSE: This rule establishes the criteria and procedures for annually identifying school district and/or school building eligibility for waivers in compliance with sections 161.210, 163.031.5(3), 160.545 and 160.518, RSMo. The student performance data will be reviewed, and the commissioner will notify districts if they are eligible for a waiver. Districts may respond to this notification by either accepting or rejecting such waiver. This rule contains four (4) types of department-wide waivers of regulations which may be granted to school districts. Regulations identified in the Missouri School Improvement Program (MSIP) Waiver Plan will be waived in each of the four (4) categories of waivers; however, the criteria for qualifying varies with each waiver. In all cases, the performance indicators will be evaluated on data in the same manner as in regular MSIP reviews.*

(1) Missouri School Improvement Program (MSIP) On-Site Review.

(A) Districts will qualify for a waiver of the next scheduled MSIP review if they meet the following:

1. The district has appropriately tested two percent (2%) or fewer of its students on the Missouri Assessment Program Alternate (MAP-A) in each grade tested with the Missouri Assessment Program (MAP) as certified by the Division of Special Education by October 15;

2. The district, based upon department generated Annual Performance Reports (APR), meets the performance indicators at the accredited level (including at least two (2) of the measurements in Standard 9.1.1 and at least three (3) of the measurements in Standard 9.4 for K-12 districts; or for K-8 districts, five (5) of six (6) performance measurements including two (2) from 9.1.1 and three (3) from 9.2, 10.1, and 11.1 combined and having no dropouts) for three (3) of the last four (4) years, including the last year's APR, based upon the annual Performance

Scoring Guide. (In order for districts to have adequate time to prepare for the MSIP review, the decision on eligibility for waivers must be made by December of the second preceding year; therefore, the determination would be based upon the calls made during their last review and the succeeding three (3) APRs);

3. Districts having twenty (20) or more students in any identified racial minority must demonstrate improvement in the minority population's achievement which is equal to or greater than the achievement of the non-minority population on the MAP. The following process will be used to judge this condition:

A. First, the three (3) MSIP grade spans will be examined to determine whether any grade span has twenty (20) or more students in any identified minority in each grade tested in that span for both the preceding and second preceding year;

B. Second, grade spans meeting the above condition will be examined to determine how many times the identified racial minority group equals or exceeds the improvement of the non-minority population on each test when comparing results from the second preceding to the preceding year using the MAP Performance Index (MPI) Approach or the Three Percent (3%) Improvement Approach for each test in that grade span; and

C. Third, at least sixty-two percent (62%) positive comparisons between the two (2) groups are required to be acceptable;

4. The district agrees to administer the MSIP Advance Questionnaire; and

5. The district completes an annual MSIP Waiver Plan which confirms the district's adherence to the specific laws and rules referred to in the checklist.

(C) The MSIP waiver is an annual waiver and may be renewed for five (5) consecutive years if—

1. The district continues to meet the "Accredited" level on the performance indicators;

2. The district complies with all the items on the MSIP Waiver Plan; and

3. The district verifies that it has reviewed its Comprehensive School Improvement Plan (CSIP) and submits any revisions to DESE.

(D) If a district fails to meet the above criteria in subsection (1)(C), the district will be notified that a review is scheduled for the year following the next full school year. No other waiver can be used during that time period.

(2) Hold Harmless Districts.

(A) A district that meets the financial qualifications identified in section 163.031.5(3), RSMo will be granted waivers as long as the district qualifies for a waiver of the MSIP On-Site Review.

(3) A+ High School.

(A) The designation as an A+ high school is granted for one (1) year in compliance with the A+ rule and section 160.545, RSMo. A high school will qualify for a waiver of the MSIP On-Site Review if—

1. The school has appropriately tested two percent (2%) or fewer of its students on the MAP-A in each grade tested with the MAP as certified by the Division of Special Education by October 15;

2. The school is currently designated as A+;

3. The school agrees to administer the MSIP Advance Questionnaire; and

4. The school completes an annual A+ Waiver Plan which confirms the district's adherence to the specific laws and rules referred to in that plan.

(4) Exemplary School.

(A) A school building that meets the following student performance criteria will be designated as Exemplary in compliance with section 160.518, RSMo, and will be granted waivers when the school meets the following:

1. The school has appropriately tested two percent (2%) or fewer of its students on the MAP-A in each grade tested with the MAP as certified by the Division of Special Education by October 15;

2. The school met "High" using the MSIP Scoring Guidelines on the MPI Approach or Three Percent (3%) Improvement Approach;

3. Schools having twenty (20) or more students in any identified racial minority must demonstrate improvement in the minority population's achievement which is equal to or greater than the achievement of the non-minority population on the MAP. The following process will be used to judge this condition:

A. First, the three (3) MSIP grade spans will be examined to determine whether any grade span has twenty (20) or more students in any identified minority in each grade tested in that span for both the preceding and second preceding year;

B. Second, grade spans meeting the above condition will be examined to determine how many times the identified racial minority group equals or exceeds the improvement of the non-minority population on each test when comparing results from the second preceding to the preceding year using



the MPI Approach or the Three Percent (3%) Improvement Approach for each test in that grade span; and

C. Third, at least sixty-two percent (62%) positive comparisons between the two (2) groups are required to be acceptable;

4. The school meets all other MSIP Performance Indicators;

5. The school completes an annual MSIP Waiver Plan which confirms the district's adherence to the specific laws and rules referred to in the plan for all buildings within the district; and

6. The school agrees to administer the MSIP Advance Questionnaire.

(B) The building's exemplary designation will be valid until June 30 of the year in which the building is determined to not meet items in paragraphs (4)(A)1.-5.

(5) Application. A district which meets the performance criteria for any of the four (4) waivers will be so notified by the commissioner. The district must either accept or decline the waiver within four (4) weeks after notification of the second preceding year prior to the year the district is scheduled for an MSIP review except that a district qualifying for an A+ waiver must accept or decline the waiver by October 1 of the year of the scheduled MSIP review.

(6) Missouri School Improvement Program Waiver Plan.

(A) School districts which meet certain student performance expectations may qualify for certain waivers related to the MSIP. The plan which is outlined below identifies the areas of MSIP which are eligible to be waived for qualifying districts.

1. All MSIP *Resource Standards and Indicators* will be waived except the following:

A. The state high school graduation requirements (MSIP 1.3);

B. Regular instruction in *United States* and *Missouri Constitutions*, as well as American History and Institutions, must be provided, and all students must pass at least a half unit of credit course in the institutions, branches, and functions of federal, state and local governments and in the electoral process, as required by section 170.011, RSMo (MSIP 1.3); and

C. All administrators and teachers must be certificated to teach in Missouri schools. "Appropriately certificated for their assignments" is waived under this provision, unless funding sources require specific certification (MSIP 5.1).

2. All MSIP *Process Standards and Indicators* will be waived except the following:

A. Districts must have cross-referenced all curricular areas to the Show-Me Standards (MSIP 6.1.1);

B. The district reports dropouts from school to the Missouri Literacy Hot Line (MSIP 8.3.5);

C. The district meets state and federal requirements for special education for students with disabilities, economically disadvantaged students, migratory children, students whose native or home language is other than English and homeless youth (MSIP 6.3.6 and 7.1);

D. The district complies with all the regulations of the state and federal categorical programs in which the district participates (MSIP 7.3 and 7.7);

E. The district distributes a student code of conduct and provides a protected, orderly environment (MSIP 6.6.1);

F. Professional development programs and services are provided as required by sections 168.400 and 160.530, RSMo (MSIP 6.7);

G. Board of education members must be trained as prescribed by section 162.203, RSMo (MSIP 8.3.4);

H. The district complies with the salary compliance requirements of section 165.016, RSMo and with the minimum salary requirements as defined in section 163.172, RSMo (MSIP 8.4.3). Does not apply to "hold harmless" districts;

I. The community, through the board of education, provides sufficient financial resources and the district is not identified as a "financially stressed district" (MSIP 8.5);

J. The district annually reviews its Comprehensive School Improvement Plan and updates it if necessary (MSIP 8.2);

K. The district provides a safe physical environment for students (MSIP 8.10);

L. The district implements effective and efficient fiscal management systems that ensure accountability of district funds (MSIP 8.6);

M. Cumulative health records, including immunizations as required by state law, are maintained and regularly updated for all students (MSIP 8.11); and

N. The district complies with all laws related to the transportation of students (MSIP 8.13).

3. No MSIP Performance Standards will be waived.

CSR 30-345.020. Original rule filed Sept. 30, 1999, effective March 30, 2000. Amended: Filed May 25, 2001, effective Jan. 30, 2002.

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

*AUTHORITY: sections 160.518, 160.545, 161.092, 161.210 and 163.031.5(3), RSMo 2000.\* This rule was previously filed as 5*