



Rules of
Department of Elementary and
Secondary Education
Division 50—Division of School Improvement
Chapter 340—School Improvement and Accreditation

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**Title 5—DEPARTMENT OF
ELEMENTARY AND
SECONDARY EDUCATION
Division 50—Division of School
Improvement**

**Chapter 340—School Improvement and
Accreditation**

**5 CSR 50-340.010 Classification and
Accreditation of Public School Districts**
(Rescinded August 30, 2000)

AUTHORITY: sections 160.041, 161.092 and 167.131, RSMo 1986, 163.021, RSMo Supp. 1991 and 171.031, RSMo Supp. 1992. Original rule filed Aug. 27, 1973, effective Sept. 7, 1973. Amended: Filed May 13, 1976, effective Sept. 1, 1976. Amended: Filed Feb. 1, 1978, effective May 15, 1978. Amended: Filed May 25, 1978, effective Sept. 18, 1978. Amended: Filed Oct. 12, 1978, effective Jan. 15, 1979. Amended: Filed July 15, 1980, effective Oct. 13, 1980. Amended: Filed July 13, 1982, effective Oct. 12, 1982. Amended: Filed Aug. 12, 1983, effective Dec. 12, 1983. Amended: Filed Dec. 5, 1983, effective May 14, 1984. Amended: Filed Dec. 7, 1983, effective April 12, 1984. Amended: Filed Feb. 8, 1985, effective July 1, 1985. Emergency amendment filed Sept. 2, 1988, effective Sept. 13, 1988, expired Nov. 24, 1988. Amended: Filed Aug. 1, 1988, effective Oct. 27, 1988. Amended: Filed Oct. 3, 1989, effective Jan. 26, 1990. Amended: Filed Feb. 27, 1992, effective Sept. 6, 1992. Amended: Filed July 23, 1993, effective July 1, 1994. Rescinded: Filed Jan. 19, 2000, effective Aug. 30, 2000.

Op. Atty. Gen. No. 416, Groves (9-25-69). There is no Missouri statute or rule of the State Board of Education requiring students to take “mass showers” or requiring teachers to include sex education in the curriculum of kindergarten through sixth grade.

Op. Atty. Gen. No. 415, King Jr. (12-29-64). As regards the University of Missouri and its branches, Lincoln University and the five state colleges, that— 1. Under the constitution and statutes of Missouri a graduate of an accredited high school does not have an absolute right to be admitted. 2. The governing boards of these institutions have the authority to set through rules admissions requirements which are reasonable and not arbitrary. 3. The provisions of neither Article IX, section 1(a), Missouri Constitution of 1945, nor section 160.090(2), RSMo (1959) prevent the governing boards of these institutions from adopting reasonable and nonarbitrary admission requirements.

Op. Atty. Gen. No. 6, Bell (7-28-61). Teachers’ certificates are valid when issued and (except for county third grade certificates) the local county superintendent of schools does not have authority to require these certificates to be registered or recorded with him/her and the county superintendent of schools does not have the power to pass on the moral character and requirements, other than scholastic, of the teacher (except teachers holding county third grade certificates).

5 CSR 50-340.018 Military Service Credit

PURPOSE: This rule establishes guidelines for public school districts for acceptance of high school credit for military service credit.

PUBLISHER’S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency’s headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.

(1) Local public schools may accept high school credit as recommended by the Commission on Accreditation of Service Experience of the American Council on Education in the “Guide to the Evaluation of Educational Experiences in the Armed Services” when presented with an official transcript by the—

(A) United States Armed Forces Institute (USAFI) courses and subject matter examinations;

(B) Marine Corps Institute Courses;

(C) Coast Guard Institute Courses;

(D) Merchant Marine Institute Courses; and

(E) Army, Navy or Marine Corps Service School Study.

(2) Credit for one (1) unit of physical education may be granted for basic or boot training.

AUTHORITY: section 161.092, RSMo 1986. Original rule filed Nov. 5, 1969, effective Nov. 15, 1969.*

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

5 CSR 50-340.019 Military Science Credit

PURPOSE: This rule establishes guidelines for public school districts for the operation of a Junior Reserve Officer Training Corps program.

(1) A school district may establish a Junior Reserve Officer Training Corps (JROTC) Program on a voluntary basis as part of the regular secondary educational program.

(2) The school district may provide elective credit for a JROTC course, military science on the same basis as credit given for other elective courses.

(3) Credit may be given only for those courses taught by teachers with a Missouri teaching certificate in military science.

(4) Officers and noncommissioned officers with a baccalaureate degree and a request from the employing school district will be certificated for military science by the Department of Elementary and Secondary Education. These certificated personnel shall be paid from the teachers’ fund.

(5) School districts operating JROTC programs may request a special two (2)-year teaching certificate in military science for military personnel without baccalaureate degrees. Renewal of this two (2)-year certificate will require the earning of a minimum of eight (8) semester hours of appropriate credit from an accredited higher education institution.

(6) Noncertificated personnel in the Reserve Officer Training Corps (ROTC) Program may assist certificated personnel in the ROTC Program in the same manner that teacher aides assist certificated teachers. Noncertificated personnel shall be paid from the incidental fund.

AUTHORITY: section 161.092, RSMo 1986. Original rule filed Nov. 5, 1969, effective Nov. 15, 1969.*

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

5 CSR 50-340.020 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. The gratuitous education, however, shall be provided only out of revenues which are not derived from state aid for the kindergarten through twelve (K-12) program and only with revenues which are not required for establishing and maintaining free public schools for the gratuitous instruction of persons between the ages of five and twenty (5-20) years.

(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 1986. Original rule filed Nov. 5, 1969, effective Nov. 15, 1969.*

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

5 CSR 50-340.021 Applied Music Credit

PURPOSE: This rule provides guidelines for approving high school credit for instruction given by approved private music teachers.

(1) Teachers desiring to be approved to give private music instruction for high school credit must secure a Teacher's High School Permit in Applied Music from the Department of Elementary and Secondary Education (DESE) and the local superintendent or high school principal.

(2) Students must take a final examination under an examiner approved by the DESE and the applied music board. Credit may be granted in the various fields of applied music as follows: piano, one-half to two (1/2-2) units; violin, one-half to two (1/2-2) units; cello, one-half to two (1/2-2) units; viola, one-half to two (1/2-2) units; and voice, one-half to one and one-half (1/2-1 1/2) units.

AUTHORITY: section 161.092, RSMo 1986. Original rule filed Nov. 5, 1969, effective Nov. 15, 1969.*

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

5 CSR 50-340.022 State Reading Circle Program

PURPOSE: This rule establishes the State Reading Circle Program which encourages

elementary school students to read extensively and establish guidelines for its operation.

(1) Any pupil in the public or nonpublic elementary schools of Missouri, grades kindergarten to eight (K-8), who reads a required number of books and passes a test given by his/her teacher may become a member of the program and receive a certificate.

(2) At the close of each school year, each teacher in participating schools should certify to the principal or superintendent of schools the names of pupils from each grade who have qualified for reading circle certificates.

(3) Certificates of attainment signed by the commissioner of education will be issued to each pupil who has qualified for the certificate.

AUTHORITY: section 161.092, RSMo 1986. Original rule filed Nov. 5, 1969, effective Nov. 15, 1969.*

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

5 CSR 50-340.030 Standards for Missouri School Library Media Centers

PURPOSE: The Division of School Improvement in the Department of Elementary and Secondary Education provides guidelines for public school districts, media, and school library media centers.

(1) The *Standards for Missouri School Library Media Centers* establish guidelines for a variety of print and nonprint resources needed to support the teaching and learning of staff and students. The standards also recommend facility space and expenditures per pupil to maintain and operate library media centers.

AUTHORITY: section 161.092, RSMo 2000. Original rule filed Nov. 5, 1969, effective July 1, 1970. Rescinded and readopted: Filed Oct. 15, 1980, effective Jan. 15, 1981. Amended: Filed March 29, 2002, effective Oct. 30, 2002.*

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

5 CSR 50-340.050 Policies and Standards for Summer School Programs

PURPOSE: This rule establishes policies and standards for public school districts which

choose to conduct summer school programs that will qualify for state aid in accordance with section 163.031, RSMo.

(1) Summer school programs may be held any time between the close of the regular school term and the beginning of the next regular term and must be approved by the local school board. A summer school program shall consist of a planned schedule of course offerings for resident students at the elementary or high school level. An approved summer school program for nonhandicapped students must be in session for at least one hundred twenty (120) clock hours. Summer school programs for handicapped students must be in session for at least sixty (60) clock hours depending upon the hours needed to comply with the Individual Education Program (IEP).

(2) A school board may authorize the operation of summer school programs at the elementary or high school level, or both. Each approved summer school program shall have at least the required minimum clock hours of instruction. 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). Elementary and high school summer school programs may not be combined to meet the minimum clock-hour requirement. A school district may operate one (1) or more summer school programs at any level. Each summer school program that is operated separately with different opening and closing dates must meet the minimum clock hours of instruction requirements.

(3) The curriculum in an approved summer school program at any level must include 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 as part of the summer school program. Special approval must be requested for summer school courses that would require special approval during the regular term.

(B) The following are examples of courses which may be approved as part of the summer school program but must be in addition to, and not in place of, the academic areas: driver education, art, crafts, physical education and music.

(C) 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.

(D) Activities such as recreation programs, athletic practices, isolated music rehearsals and isolated band practices may be offered by the school but shall not be included as part of the clock hours of instruction in an approved summer school program and shall not be counted for summer school membership and attendance for state aid purposes.

(4) The attendance of resident pupils between the ages of six and twenty (6–20) in grades one through twelve (1–12) and pupils five (5) years old attending kindergarten in approved summer school programs may be counted for summer school state aid purposes in accordance with section 163.011, RSMo.

(5) Individual school district's summer school average daily attendance (ADA) that does not exceed five percent (5%) of the ADA for the immediate preceding school year, the ADA shall be doubled for state aid purposes. A district's summer school ADA greater than five percent (5%) of the preceding school year ADA shall count once for state aid purposes.

(6) Some high school courses may be offered for credit and some courses for no credit in an approved summer school program. High school pupils may earn one-half (1/2) unit of high school credit for laboratory courses which meet at least seventy-five (75) clock hours and one-half (1/2) unit of high school credit for other courses which meet for sixty to seventy-five (60–75) clock hours. One-fourth (1/4) unit of high school credit may be granted for driver education classes which provide thirty (30) clock hours of classroom instruction, six (6) clock hours behind the wheel and twelve (12) clock hours as an observer in a driver education car. Minimum time requirements exclude any passing time, break time and lunch time.

(7) Summer school teachers shall have Missouri certification at the appropriate level in the area of service.

(8) Transportation for handicapped summer school pupils is reimbursable as provided in 5 CSR 40-261.040 Allowable Cost for State Transportation Aid.

(9) School food services for summer school pupils are not required but may be provided.

(10) Facilities and equipment used for summer school shall be of a quality equal to that used during the regular term.

(11) Textbooks, library resources and other instructional materials and aids shall be of a quality equal to that used during the regular term.

(12) State Board of Education classification standards pertaining to class size are applicable to summer school programs.

(13) Department of Elementary and Secondary Education (DESE) staff will review applications for approval of summer school programs, consult with local school officials as needed and approve eligible summer school programs for state aid. Approved summer school programs will be visited and reviewed by department staff.

(14) Local school districts must keep individual pupil membership and attendance records for summer school programs. The summer school records shall be audited as required by law.

(15) Summer school program applications and reports shall be submitted in a form and at a time as may be required by the DESE.

AUTHORITY: sections 161.092(2), 163.011, 163.021(2), and 163.031, RSMo 1994. 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.*

**Original authority: 161.092(2), RSMo 1963, amended 1973; 163.011, RSMo 1963, amended, 1967, 1973, 1977, 1982, 1985, 1986, 1988; 163.021(2), RSMo 1963, amended 1973, 1982, 1983, 1984, 1988; and 163.031, RSMo 1963, amended 1965, 1967, 1969, 1975, 1976, 1977, 1982, 1984, 1985, 1986.*

5 CSR 50-340.060 Policies and Standards for Part-Time Public School Students

PURPOSE: This rule establishes policies and standards for public school districts that authorize resident public school students, who are not subject to the provisions of section 167.031, RSMo to attend public school part-time during the regular school term.

(1) A school board may adopt reasonable rules to govern part-time membership and

part-time attendance of resident public school students who are not subject to the provisions of section 167.031, RSMo, the compulsory school attendance law. Reasonable rules governing part-time students may preserve the discipline, health and academic standards of the school but these rules may not be such as to place an unreasonable burden on part-time attendance.

(2) A school district that enrolls a resident student, who is eligible to attend full-time but is not subject to the provisions of section 167.031, RSMo for part-time attendance during the regular school term, may count that student for state aid in accordance with sections 163.011 and 163.031, RSMo. The full time equivalent (FTE) membership shall be limited to time enrolled in courses that are counted as part of the regular school curriculum for public school students attending school full-time. The FTE attendance shall be limited to the actual clock hours of attendance in courses that are part of the regular school curriculum for public school students attending school full-time. A resident public school student FTE membership cannot exceed 1.0 and FTE attendance cannot exceed 1.0.

AUTHORITY: sections 161.092(2), 163.031, RSMo 1986, 163.011 and 163.021(2), RSMo Supp. 1988. Original rule filed Nov. 15, 1977, effective Feb. 15, 1978.*

**Original authority: 161.092(2), RSMo 1963, amended 1973; 163.011, RSMo 1963, amended 1967, 1973, 1977, 1982, 1985, 1986, 1988; 163.021(2), RSMo 1963, amended 1973, 1982, 1983, 1984, 1988; and 163.031, RSMo 1963, amended 1965, 1967, 1969, 1975, 1976, 1977, 1982, 1984, 1985, 1986.*

5 CSR 50-340.070 Standards for Part-Time Schools

PURPOSE: The State Board of Education is authorized under section 178.310, RSMo to establish standards for part-time schools. This rule establishes standards for those part-time schools, departments or classes.

(1) Part-time schools, departments or classes for employed children between fourteen and sixteen (14–16) years of age established by school districts under the provisions of section 178.300, RSMo must meet all requirements pertaining to teacher certification as set forth in 5 CSR 80-800.010 and the issuance of credits as set forth in 5 CSR 50-340.010. For the purposes of classification and accreditation, the part-time schools, departments or classes will be considered a part of the regular school district program.



(2) Student attendance in part-time schools, departments or classes provided as required in section 178.300, RSMo and meeting the standards of the classification and accreditation program will be eligible for any applicable federal aid and for state aid on the same basis as other part-time students in regular classes and in accordance with law.

AUTHORITY: section 178.310, RSMo 1986. Original rule filed Jan. 31, 1979, effective May 14, 1979.*

**Original authority: 178.310, RSMo 1963.*

5 CSR 50-340.090 Standards for Innovative and Experimental Programs

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

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

(A) The Department of Elementary and Secondary Education (DESE) recognizes and will approve four (4) types of off-campus programs for students who are sixteen (16) years old or older and juniors or seniors in high school, except that handicapped students must be only sixteen (16) years old or older: academic programs, cooperative vocational education programs, work experience programs for special education students and career exploration programs. School districts may offer other types of off-campus programs without departmental approval but the students enrolled in them may not be counted in membership and attendance for state aid purposes, and the students enrolled in unapproved programs may not be granted high school credit for the off-campus experience.

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

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

3. Work experience programs for special education students are programs developed and implemented in accordance with State Plan for Part B of the Education of the Handicapped Act, which is filed as an administra-

tive rule of the Division of Special Education at 5 CSR 70-742.140.

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

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

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

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

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

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

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

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

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

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

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

3. Handicapped students whose IEPs indicate a need for additional work experience to make the transition from school to an occupation may earn up to four (4) units of



credit during an academic year for off-campus work experience. The additional credit will be based on increments of twenty to thirty (20–30) hours weekly and from thirty to forty (30–40) hours weekly of supervised work experience; and

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

(D) Community Learning Sponsor.

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

2. It shall be the responsibility of the local public school personnel assigned to off-campus instruction to make the previous determinations and obtain necessary cooperation and commitments. It is recommended that agreements be reduced to written form.

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

(F) Instruction.

1. A principal and counselor shall work with the instructional staff in approval of

pupils participating in appropriate off-campus activities.

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

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

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

(H) A school district that plans off-campus educational activities in compliance with these policies and statutory provisions regulating the school day, compulsory school attendance, computation of average daily attendance, etc., will have a program that would qualify participating pupils to be counted for regular state aid if they meet all other requirements. Pupils who simply want to work part of the day do not qualify for attendance for state aid.

(2) Teacher Aide Program for High School Students.

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

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

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

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

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

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

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

AUTHORITY: section 161.092, RSMo 1986. Original rule filed Dec. 24, 1975, effective Jan. 3, 1976. Amended: Filed April 12, 1983, effective Aug. 15, 1983.*

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

5 CSR 50-340.100 Approval of Utilizing Courses Delivered Primarily Through Electronic Media

PURPOSE: This rule establishes standards and procedures for approving and implementing courses delivered primarily through electronic media and monitored by teachers who are certificated but not fully qualified to teach the courses without the support of electronic media.

(1) Courses delivered primarily through electronic media may be offered by school districts and counted toward meeting the curriculum standards and state minimum graduation requirements if approved and implemented in accordance with this rule.

(2) The Department of Elementary and Secondary Education will accept applications for



approval of electronically delivered courses submitted by school districts, developers of courses and sponsors of courses. Each application must be submitted by dates and on forms specified by the department. Each application for approval of a course must show that the course meets the following criteria. The course—

(A) Has been developed on the basis of clearly stated learner outcomes or objectives;

(B) Is logically organized and developmentally suitable for the grade level at which it is intended to be used;

(C) Includes teaching strategies and resource materials which are educationally sound, address a variety of learning modalities and are consistent with the learning styles of the age group for which intended;

(D) Includes both formative and summative tests which are closely aligned with stated learner outcomes or objectives and provides for frequent feedback to students;

(E) Has been demonstrated to be effective in achieving stated learner outcomes;

(F) Has been reviewed by subject matter experts for content validity and objectiveness of presentation;

(G) Meets high standards of quality in production and presentation; and

(H) Includes instructional and technical inservice education for the local classroom teacher.

(3) The department will empanel a committee of curriculum specialists and teachers to review the course, judge it against the criteria in section (2) and make a recommendation to the department. The department will notify the applicant and all public schools of its decision.

(4) Any school district may apply for permission to use an approved course by submitting an application in a form and by a date specified by the department annually. Each application for permission to use an approved course must include enough information to permit the department to determine that—

(A) The local board of education has approved implementing the course;

(B) Each electronically delivered course will be under the direct supervision of a teacher holding a valid Missouri teaching certificate and that the teacher has academic preparation as determined by the department as a result of its review of the approved course, recommendations of the developer or sponsor of the course and the content of related inservice education;

(C) The teacher will participate in instructional and technical inservice education

developed and made available by the developer or sponsor of the approved course;

(D) The local district will provide and maintain the equipment and other learning resources prescribed by the developer of the course;

(E) The district will implement the course in a manner which will give students full advantage of the course, including live interactive broadcasts if these broadcasts are essential to the course; and

(F) The district will continuously monitor and evaluate the effectiveness of the course.

(5) Department staff members will review all applications, give applicant school districts an opportunity to correct any deficiencies and notify the districts of approval or disapproval to use the course.

(6) The commissioner of education or a designee has the authority to waive this rule when the course is offered simultaneously at various school sites through two (2)-way interactive video and is taught by a teacher properly certificated in the subject area.

*AUTHORITY: section 161.092, RSMo 1994. * Original rule filed Sept. 25, 1987, effective Jan. 29, 1988. Amended: Filed Sept. 27, 1995, effective March 30, 1996.*

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

5 CSR 50-340.110 Policies and Standards Relating to Academically Deficient Schools

PURPOSE: This rule establishes the criteria and procedures to be used to identify academically deficient schools and sets the standards to be used for an educational audit.

(1) For the purposes of this rule:

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

(B) “Concerned school” means any school which has fifteen percent (15%) or more students in the Step 1 and Progressing levels using the results of the Missouri Assessment Program (MAP);

(C) “State-determined academically deficient school” shall mean a concerned school

whose MAP results for two (2) consecutive testing years place the school in the lowest fifty (50) schools when considering the percent of students who score in Step 1 and Progressing levels on the MAP and who are declared academically deficient by the State Board of Education (board);

(D) “Locally determined academically deficient school” shall mean a school in a district whose graduation rate is below sixty-five percent (65%) as defined in state law that meets the fifteen percent (15%) or more students in the Step 1 and Progressing levels on the MAP and is determined to be academically deficient by the local board of education;

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

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

(2) Determination of academically deficient schools by the state shall be as follows:

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

(B) Each year, the lowest fifty (50) concerned schools (excluding academically deficient schools) will be considered for an educational audit. The lowest fifty (50) schools will be determined by ranking of the percent of students scoring in Step 1 and Progressing levels as determined by applying the criteria above. No more than five (5) schools in one (1) school district shall be identified for an audit in any one (1) year. Schools identified



as academically deficient in a single district shall not exceed ten (10). At no time can there be more than a total of one hundred (100) schools either identified for an audit team visit or awaiting the second audit team visit;

(C) Within sixty (60) days of the identification of a concerned school, the board shall appoint an audit team of at least ten (10) people as described in state law, and designate the chairperson of the committee for any school identified in the lowest fifty (50) as determined above. A DESE state supervisor cannot be on a team relating to an academically deficient school in a school district which she/he supervises;

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

(E) The board shall declare any school which an audit team finds academically deficient to be academically deficient. The board shall, within sixty (60) days of its decision, appoint a management team of at least ten (10) people pursuant to state law, for each school so designated. A management team may serve more than one (1) school. No person, except DESE personnel, can serve on a management team while serving on an audit team for the same school;

(F) Within sixty (60) days of their appointment, the management team shall study the audit report and the factors that contribute to the deficiency and shall make recommendations that the team believes are appropriate and necessary in the management and administration of the school to promote increased student achievement.

1. In addition, with consideration given to the financial condition of the district and the school, the team may make recommendations that local resources be more effectively utilized, additional local resources be given to the school, and/or that additional state resources be allocated to the school. The report shall contain recommendations to be presented to the board.

2. The board shall allocate from the "statewide areas of critical need" money to fund the operation of the management teams

and to provide resources specified by the management teams needed in the academically deficient school and approved by the board pursuant to state law; and

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

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

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

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

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

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

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

3. A school which has received the second visit of the audit team and remains an academically deficient school shall not be counted against the maximum number of schools identified as either concerned or academically deficient schools.

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

(A) A local board may designate a school within its jurisdiction as an academically deficient school if that school is a concerned school and has fifteen percent (15%) or more students in the Step 1 and Progressing levels using the MAP results; and

(B) The local board may suspend or terminate contracts of contributing teachers, principals, and any administrators having responsibility for the school, pursuant to state law and reconstitute the school with new teachers and administrative staff.

*AUTHORITY: sections 160.538, RSMo 2000 and 161.092, RSMo Supp. 2002. * Previously filed as 5 CSR 30-340.010. Original rule filed Sept. 5, 1996, effective March 30, 1997. Rescinded and readopted: Filed March 22,*

1999, effective Sept. 30, 1999. Amended and moved to 5 CSR 50-340.110: Filed Sept. 27, 2001, effective May 30, 2002. Amended: Filed April 23, 2003, effective Nov. 30, 2003.

**Original authority: 160.538, RSMo 1993, amended 1998 and 161.092, RSMo 1963, amended 1973, 2002.*

5 CSR 50-340.150 Priority Schools

PURPOSE: This rule establishes procedures to improve student performance in lower performing schools.

(1) The Department of Elementary and Secondary Education (DESE) shall designate priority school buildings or attendance centers (priority school(s)).

(A) During the first year of implementation, all schools previously designated academically deficient will be designated priority schools.

(B) Designation of priority schools is based upon the following criteria:

1. Beginning September 1, 2006, Title I schools in school improvement which meet any of the following:

A. Have assessment performance index scores for state required subject areas in the bottom five percent (5%) of the state population for two (2) successive years;

B. Have a school attendance rate of less than ninety percent (90%) for two (2) successive years;

C. Have a graduation rate and placement rate below seventy percent (70%) for two (2) successive years; or

D. Are identified persistently dangerous pursuant to state regulation.

(C) Priority schools must exceed the designation criteria for two (2) successive years to have the priority school designation removed.

(2) The board of education of any district that contains a priority school(s) shall submit a school improvement plan for each priority school that provides for the following:

(A) Identification of the areas of academic deficiency in student performance on the required statewide assessments established pursuant to state law by disaggregating scores based upon school, grade, academic content area and student demographic subgroups;

(B) Implementation of research-based strategies to assist the priority school in addressing the areas of deficiency;

(C) Alignment of the priority school's curriculum to address deficiencies in student achievement; and

(D) Reallocation of district resources to address the areas of deficiency, which shall include focusing available funding on high



quality professional development in the areas of deficiency.

(3) For priority schools designated as a result of low student achievement, the school improvement plan must include the components outlined above. Priority schools identified for other reasons must submit a school improvement plan which includes the components outlined above with the exception of identification of the areas of academic deficiency in student performance on the required statewide assessment and alignment of the priority school's curriculum to address deficiencies in student achievement.

(4) The State Board of Education (board) may appoint a team to provide an educational audit of any priority school.

(A) Priority schools may request services for an educational audit upon designation to assist in identification of factors contributing to the designation and make recommendation to address those factors. Any school maintaining priority school status more than two (2) years will be identified for a required educational audit.

(B) The educational audit may coincide with the scheduled Missouri School Improvement Program (MSIP) review for the district in which the building is located. If the priority school is located within a district which has been waived from an on-site MSIP review, the priority school is not waived from the educational audit.

(C) The educational audit team shall report its findings to the board and the local board of education. The board may require all or part of the team's findings to be addressed in the comprehensive school improvement plan.

(5) Local boards of education in districts with priority schools must submit the school improvement plan(s) to DESE on or before August 15 following the school year of designation. In the case where an educational audit has occurred, the findings of the audit must be addressed in that plan.

(A) DESE shall review and identify areas of concern in the school improvement plan within sixty (60) days of receipt of the plan.

(B) Changes to the school improvement plan shall be forwarded to DESE within sixty (60) days of notice to the district of the areas of concern.

(C) DESE shall withhold funds pursuant to state law from any school district that fails to submit a school improvement plan based upon the standards and timelines.

(6) All school buildings and attendance centers declared to be priority schools must be

listed in the district's annual school accountability report distributed pursuant to state law.

*AUTHORITY: sections 160.720 and 161.092, RSMo Supp. 2004. * Original rule filed Sept. 25, 1987, effective Jan. 29, 1988. Amended: Filed Sept. 27, 1995, effective March 30, 1996. Rescinded and readopted: Filed Oct. 12, 2004, effective May 30, 2005.*

**Original authority: 160.720, RSMo 2002, amended 2004 and 161.092, RSMo 1963, amended 1973, 2002, 2003.*

5 CSR 50-340.200 Annual Public Reporting of Information by School Districts

PURPOSE: This rule consolidates the state's reporting requirements and those included in No Child Left Behind regarding annual public reporting of information by school districts.

(1) School districts shall prepare and publish, prior to December 1 of each school year, a school accountability report card for each attendance center in the district. These reports shall be made available to all district patrons and to every household with a student enrolled in the district. The reports shall be distributed to all media outlets serving the district, and shall be made available, upon request, to all district patrons and to each member of the general assembly representing a legislative district that contains a portion of the school district. Methods of distribution may include, but are not limited to:

(A) Distribution at the time and place of student enrollment;

(B) Inclusion with student grade reports;

(C) Newspaper publication;

(D) Posting by the school district by Internet or other electronic means generally accessible to the public;

(E) Making copies available upon request at all school or administrative buildings in the school district; or

(F) Any combination of these methods.

(2) Data to be reported shall include the following:

(A) Enrollment. The number of resident and nonresident students enrolled the last Wednesday of September;

(B) Rates of pupil attendance. The average daily attendance of the regular school term divided by the January membership, or the total hours of student attendance divided by the sum of total hours of student attendance and total hours of absence;

(C) High school graduation/dropout rate:

1. Graduation rate. The quotient of the number of graduates in the current year as of June thirtieth divided by the sum of the number of graduates in the current year as of June thirtieth plus the number of twelfth-graders who dropped out in the current year plus the number of eleventh-graders who dropped out in the preceding year plus the number of tenth-graders who dropped out in the second preceding year plus the number of ninth-graders who dropped out in the third preceding year;

2. Dropout rate. The number of high school dropouts divided by the total of September enrollment plus transfers in, minus transfers out, minus dropouts, added to total September enrollment, then divided by two (2). Dropout rate also shall be reported for any racial/ethnic group with thirty (30) or more students;

(D) Staffing ratios. The student number is the September enrollment. The teachers and administrators are determined based on the Core Data position codes, as follows:

1. Students to all teachers—position code 60;

2. Students to administrators—position codes 10 and 20; and

3. Students to classroom teachers—position code 60, excluding special education, remedial readings, Title I, and vocational teachers;

(E) Average years of experience of professional staff. Based on the total years of public school experience;

(F) Advanced degrees earned. Percent of staff whose highest degree is above a bachelor's degree;

(G) Average regular and total teacher salaries compared to the statewide average as reported on Core Data for position code 60;

(H) Average administrator salaries compared to the statewide average as reported on Core Data for position codes 10 and 20;

(I) Average per pupil expenditures for the district as a whole. Current expenditure per average daily attendance (ADA);

(J) Average per pupil expenditures for each attendance center in the district as determined by the calculation model available from the Department of Elementary and Secondary Education's (DESE) school finance section;

(K) Voted tax rates. Tax rate ceiling for operations and tax rate ceiling for debt service;

(L) Adjusted tax rates. Actual tax rates levied by fund (after voluntary and Proposition C rollbacks) as filed by September 1 with the county clerk;

(M) Assessed valuation. Assessed valuation minus tax increment financed assessed



valuation as of December 31 of previous calendar year;

(N) Percent of the district's operating budget received from:

1. State. All state revenues received in the General, Special Revenue, and Capital Projects Funds divided by total revenues received in the General, Special Revenue, and Capital Projects Funds;

2. Federal. All federal revenues received in the General, Special Revenue, and Capital Projects Funds divided by total revenues received in the General, Special Revenue, and Capital Projects Funds; and

3. Local. All local and county revenues, including "Proposition C" funds, received in the General, Special Revenue, and Capital Projects Funds divided by total revenues received in the General, Special Revenue, and Capital Projects Funds;

(O) Percentage of students eligible for free or reduced lunch. Full-time equivalency count of resident pupils eligible for free or reduced lunch as reported on Core Data;

(P) School calendar information:

1. Days for student attendance;

2. Days for parent-teacher conferences; and

3. Days for staff development or inservice training for certificated staff;

(Q) Data on course offerings. List of courses offered with units of credit identified;

(R) Rates of participation in:

1. Parent-teacher conferences. The number of students enrolled with one (1) or more of their parents or guardians attending a conference divided by the number of students enrolled the last Wednesday of September;

2. Special education programs. The number of students served in special education programs divided by the number of students enrolled the last Wednesday of September;

3. Early childhood special education programs. The number of students enrolled in the programs;

4. Parents as teachers programs. The number of families served;

5. Vocational education programs. The number of students enrolled in vocational education programs divided by the number of students enrolled the last Wednesday of September;

6. Gifted or enrichment programs. The number of students enrolled in gifted or enrichment programs divided by the number of students enrolled the last Wednesday of September; and

7. Advanced placement (AP) courses. The number of students enrolled in AP courses approved by The College Board divided by

the number of students enrolled the last Wednesday of September;

(S) Percentage of students continuing education in post-secondary programs. The percentage of previous year's graduates who are attending a community college, a four (4)-year college/university or technical/vocational school as reported on Core Data;

(T) Information about job placement for students who complete the district's vocational education programs as reported on Core Data;

(U) The district's most recent accreditation. Missouri School Improvement Program accreditation rating and measures for school improvement identified in the school improvement plan;

(V) Disciplinary actions within the school district. The number of suspensions or expulsions of ten (10) or more days and durations and reasons for those suspensions and expulsions as reported on Core Data; and

(W) The certification status of teachers, including:

1. The percentage of teachers with temporary authorization or special assignment certificates;

2. The percentage of teachers with substitute certificates or no certification;

3. The percentage of classes taught by highly qualified teachers. A highly qualified teacher is an individual who 1) has at least a bachelor's degree; 2) has demonstrated content expertise by passing a state-approved test or has completed an academic major or coursework equivalent to a major; and 3) who holds full certification for his or her current teaching assignment; and

4. A comparison of the percentage of highly qualified teachers working in low-poverty versus high-poverty buildings. This information is only required in the district-level report in school districts with multiple attendance centers serving the same grades (i.e., more than one elementary-level building, more than one middle or junior high building, or more than one high school building).

(3) Achievement data including:

(A) For each grade and subject included in the Missouri Assessment Program (MAP), report the number of students enrolled, the number and percentage of students tested and the number and percentage of students at each level. Assessment data shall be reported in the aggregate and also shall be disaggregated for each of the following subgroups that has thirty (30) or more students: Asian, African-American, Hispanic, Indian, Pacific Islander, white, migrant, gender, eligible for free- and reduced-price lunch, student with

Individualized Education Program (IEP), or limited English proficiency. Data shall be provided for at least the most recent three (3) years and shall be compared to the adequate yearly progress (AYP) goal for the current year; and

(B) For high schools, report at least the most recent three (3) years of aggregated American College Test (ACT) or Scholastic Aptitude Test (SAT) scores, as appropriate, the percentage of graduates taking the tests, and comparisons to state averages for the same years.

(4) The requirements of this regulation apply to each attendance center within a public school district. Reports issued by school districts shall permit disclosure of data on a school-by-school basis, but shall not be personally identifiable by any student or employee. Data about students attending alternative programs within the school district shall be included with the information for the attendance center to which such students would otherwise be assigned.

(5) In their annual reports, school districts shall identify all attendance centers that have been designated for improvement as a result of failing to make adequate yearly progress (AYP), as defined by DESE.

(6) Annual reports issued by charter schools shall comply with the requirements of this regulation.

AUTHORITY: sections 160.522 and 161.092, RSMo Supp. 2002. Original rule filed Oct. 25, 2001, effective May 30, 2002. Amended: Filed April 23, 2003, effective Nov. 30, 2003.*

**Original authority: 160.522, RSMo 1993, amended 1997, 2000, 2001 and 161.092, RSMo 1963, amended 1973, 2002.*