



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.

(B) If a district meets the criteria for a waiver of its regularly scheduled five (5)-year MSIP review, Department of Elementary and Secondary Education (DESE) will conduct a mini-team review which will focus on the areas identified in the MSIP Waiver Plan. The team will include the state supervisor and representatives from appropriate DESE sections.

(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 Improve-

ment 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 Institutions*, 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.

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

5 CSR 50-345.100 Missouri School Improvement Program

PURPOSE: This rule implements a program of comprehensive assessments of school districts' educational resources, instructional processes and educational outcomes designed to stimulate and encourage improvement in the efficiency and effectiveness of instruction, and provides information which will enable the State Board of Education to accredit and classify the districts as required by state law.

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) This rule is to be effective July 1, 2006, and incorporated by reference and made a part of this rule the *Missouri School Improvement Program (MSIP) Standards and Indicators Manual* which is comprised of qualitative and quantitative standards for school districts. As referenced in the *MSIP Standards and Indicators Manual*, the standards are organized in three (3) sections—Resource Standards, Process Standards and Performance Standards. The standards are supported by appendices which include: the minimum graduation requirements, media standards for school learning resource cen-



ters, teacher certification requirements and assessment program standards. Anyone interested in viewing or requesting a copy of the MSIP Manual (Revised September 2004) may contact the School Improvement and Accreditation Section, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480.

(2) During each year, the Department of Elementary and Secondary Education (DESE) will select school districts which will be reviewed and classified in accordance with this rule, including the standards, with the appropriate scoring guide and forms and procedures outlined in the annual MSIP.

(3) The State Board of Education (board) will assign classification designations of unaccredited, provisionally accredited and accredited based on the standards of the MSIP.

(4) As a condition of receiving a classification designation other than unaccredited, each school district reviewed under MSIP must file, within sixty (60) days of the board's decision, a school improvement plan in a form specified by DESE and implement it in accordance with a specified schedule approved by DESE.

(5) A school district's classification designation based on the standards of the MSIP will remain in effect until the board approves another designation. The board may consider changing a district's classification designation after its regularly scheduled review or upon its determination that the district has:

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

(B) Implemented its school improvement plan substantially and, therefore, may qualify for a higher classification designation;

(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; and/or

(D) Altered significantly the scope or effectiveness of the programs, services or financial integrity upon which the original classification designation was based.

(6) A school district designated unaccredited by the board under the provisions of this rule will be liable for tuition and transportation for resident students legally transferring to another district pursuant to applicable state laws and regulations from the date of the

action by the board through the end of the school year during which the board awards the district a designation of provisionally accredited or higher.

(7) Any school district which on June 30, 1997, or thereafter, has been classified unaccredited by the board in two (2) successive years will be subject to lapsing, pursuant to applicable state laws and regulations. A school district that is classified as unaccredited shall lapse on June 30 of the second full year after the school year during which the unaccredited classification is initially assigned.

(8) A school district designated provisionally accredited twice sequentially or a school district designated provisionally accredited after being unaccredited will be designated provisionally accredited for three (3) years, at which time a re-review will be conducted. A district's accreditation designation may not be raised more than one (1) level during a re-review.

(A) The board may lower a district's accreditation if a district fails to gain full accreditation after being designated provisionally accredited twice sequentially; or after being designated provisionally accredited after being unaccredited and the district fails to make significant or consistent improvement in student achievement in order to gain accreditation.

(9) The board of education of any school district which is dissatisfied with the classification designation assigned by the board may request a hearing before the commissioner of education for the purpose of showing cause why its classification designation should be reconsidered. Each request must be submitted in writing within thirty (30) days of the board's classification designation, setting forth the specific reasons for the request, including any errors of fact upon which the board relied in making the classification designation. If the commissioner of education agrees that sufficient cause has been shown, s/he will request the board to reconsider the district's classification designation together with the additional or corrected information.

AUTHORITY: sections 161.092 and 168.081, RSMo Supp. 2003 and 162.081 and 167.131, RSMo 2000. Original rule filed June 30, 2004, effective Jan. 30, 2005.*

**Original authority: 161.092, RSMo 1963, amended 1973, 2002, 2003; 168.081, RSMo 1963, amended 1984, 2002; 162.081, RSMo 1963, amended 1973, 1992, 1993, 1998; 167.131, RSMo 1963, amended 1973, 1993.*

5 CSR 50-345.200 Waivers 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 applicable state law and regulations. The student performance data will be reviewed, and the commissioner of education will notify districts if they are eligible for a waiver. Districts may respond to this notification by either accepting or rejecting such waiver.

(1) This rule contains four (4) types of Department of Elementary and Secondary Education (DESE) waivers of regulations which may be granted to schools or school districts: School District Missouri School Improvement Program (MSIP) Waiver, A+ High School MSIP Waiver, Outstanding School MSIP Waiver, and Other Waiver. This rule is to be effective July 1, 2006. Districts or schools qualifying for these waivers are exempt from the MSIP on-site review process and MSIP Resource and Process Standards and Indicators not listed in the Waiver Checklist. The area supervisor will visit districts or schools that qualify for an MSIP Waiver to verify compliance with the Standards and Indicators listed in the Waiver Checklist.

(A) School District MSIP Waiver.

1. Qualifications include:

A. The district achieved accreditation in the most recent MSIP review and is accredited at the highest level as defined by MSIP and has no Missouri Assessment Program (MAP) scores at or below the established floor based upon the two (2) latest DESE generated Annual Performance Reports (APR); and

B. The district is in compliance with all Resource and Process Standards and Indicators listed in the Waiver Checklist.

2. If a district fails to meet the waiver criteria or the district no longer complies with the specific laws and rules referred to in the Waiver Checklist, the district will be scheduled for an on-site review.

(B) A+ High School MSIP Waiver.

1. Schools may qualify for an MSIP waiver when the district does not, if the school meets the following qualifications:

A. The school is currently designated as A+;

B. The school agrees to administer the MSIP Advance Questionnaire;

C. The school is in compliance with all Resource and Process Standards and Indicators listed in the Waiver Checklist; and

D. The school is not designated a Priority School.



(C) Outstanding School MSIP Waiver.

1. Schools may qualify for an MSIP waiver when the district does not, if the school meets the following qualifications:

A. The school meets at least one (1) more than half of the possible MAP scoring options at a high level for three (3) successive years;

B. The school meets at least one (1) more than half of all other MSIP performance indicators at a high level for three (3) successive years;

C. The school has no MAP scores at or below the established floor;

D. The school is no designated a Priority School.

2. The school's Outstanding School designation will be valid until June 30 of the year in which the school is determined to not meet items listed above.

(D) Other Waiver.

1. Districts that meet the financial qualifications identified in state law may receive a waiver of rules in order to promote flexibility in the operations of the delivery of instructional services.

(2) Waiver Checklist.

(A) School districts or schools which meet the waiver criteria outlined in subsection (1) (A) must meet all of the Resource and Process Standards and Indicators outlined in the Waiver Checklist below in order to qualify for a waiver related to MSIP.

1. The following MSIP *Resource Standards and Indicators* will not be waived:

A. The state high school graduation requirements;

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 state law; and

C. All administrators and teachers must be appropriately certificated to teach in Missouri public schools.

2. The following MSIP *Process Standards and Indicators* will not be waived:

A. The district must have cross-referenced all curricular areas to the Show-Me Standards;

B. The district reports school dropouts to the Missouri Literacy Hot Line;

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

D. The district complies with all regulations of the state and federal categorical programs in which the district participates;

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

F. The district provides professional development programs and services as required by state law;

G. Board of education members must be trained as prescribed by state law;

H. The district meets the salary compliance and the minimum salary requirements as defined in state law. This does not apply to "hold harmless" districts;

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

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

K. The district provides a safe physical environment for students;

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

M. The district maintains and regularly updates cumulative health records for all students, including immunizations as required by state law; and/or

N. The district complies with all laws related to the transportation of students.

3. No MSIP Performance Standards will be waived.

4. No Priority Schools will be waived.

5. No Financially Stressed districts will be waived.

(3) A district or school which meets the performance criteria for any of the above four (4) waivers will be so notified by the commissioner of education. The district must either accept or decline the waiver within four (4) weeks after notification; except those districts which qualify for the A+ High School MSIP Waiver, which must accept or decline that waiver by October 1 of the year of the scheduled MSIP review.

AUTHORITY: sections 160.518, 160.545 and 161.092, RSMo Supp. 2003 and 161.210 and 163.031, RSMo 2000. Original rule filed June 30, 2004, effective Jan. 30, 2005.*

**Original authority: 160.518, RSMo 1993, amended 2001, 2002, 2004; 160.545, RSMo 1993, amended 2002; 161.092, RSMo 1963, amended 1973, 2002, 2003; 161.210, RSMo 1996; 163.031, RSMo 1963, amended 1965, 1965, 1967, 1967, 1969, 1975, 1976, 1977, 1982, 1982, 1984, 1985, 1986, 1993, 1996, 1997, 1998, 2000, 2004.*