

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

ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under sections 160.514, 160.526, and 167.131, RSMo 2000, and sections 160.518, 161.092, 162.081, and 168.081, RSMo Supp. 2011, the board adopts a rule as follows:

5 CSR 20-100.105 Missouri School Improvement Program–5 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 3, 2011, (36 MoReg 2087-2092). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication of the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received numerous comments regarding the proposed rule and the incorporated by reference material.

Editor’s Note: Due to the volume of comments received relating to 5 CSR 20-100.105 Missouri School Improvement Program-5, the department was unable to publish a list of individuals commenting on this rule. The department maintains a copy of all individual comments which is available upon request. Requests should be made to Custodian of Records, Office of General Counsel and Governmental Affairs, Department of Elementary and Secondary Education, PO Box 480, Jefferson City, MO 65102-0480.

COMMENT #1: Three hundred fifty-nine (359) comments were received regarding assessment. Comments included concerns about the number of assessments in the assessment plan, the end-of-high school (EOHS) assessment, course offerings and course-taking patterns, and potential impact on dropout rates.

RESPONSE: In response to feedback generated during the summer regional advisory committee meetings, adjustments were made to the assessment plan during the August board meeting. The total number of required end-of-course (EOC) assessments was reduced by three (3), and the fine arts and physical education assessment requirements were removed at all grade levels. No additional changes have been made in the assessment plan. Graduation requirements will not be affected by this rule.

COMMENT #2: Fourteen (14) comments recommended elimination of the EOHS assessments.

RESPONSE: In response to feedback generated during the summer regional advisory committee meetings, adjustments were made to the assessment plan during the August board meeting. The total number of required EOC assessments was reduced by three (3), and the fine arts and physical education assessment requirements were removed at all grade levels but will be addressed in the revision of the resource and process standards. The EOHS assessments are intended to provide comparative achievement information for all students among all states,

thereby leveling the playing field for state comparisons. The board declines to make additional changes at this time.

COMMENT #3: Twenty (20) comments were received suggesting the assessment plan require a minimum of two (2) EOC assessments per content area for each student and to require additional assessments to be administered to students who are enrolled in the associated courses.

RESPONSE: In response to feedback generated during the summer regional advisory committee meetings, adjustments were made to the assessment plan during the August board meeting. The total number of required EOC assessments will be a minimum of two (2) mathematics, two (2) communication arts, two (2) social studies, and three (3) science for each student. The board declines to make additional changes.

COMMENT #4: Fourteen (14) comments noted concern regarding EOHS use as a high school exit exam or placement tools for colleges and employers.

RESPONSE: The Missouri School Improvement Program (MSIP) addresses district accountability, not student accountability. Colleges and employers are encouraged to review student achievement levels on state assessments in their consideration of students for placement.

COMMENT #5: Thirteen (13) comments were received expressing concerns whether limitations could occur to a district's course offerings due to the assessment plan.

RESPONSE: The required assessments included in the assessment plan are within the scope of elementary and middle school programs of study and do not exceed state graduation requirements. Current state graduation requirements include three (3) high school math, three (3) high school science, three (3) high school social studies, and four (4) high school English credits. The content of high school courses should be defined so that all students have a challenging course of study and opportunity to attain competency in the core content areas. Missouri school districts have flexibility in how they provide and teach these competencies.

COMMENT #6: In response to feedback generated at regional advisory committee meetings held this summer, the total number of required EOC assessments was reduced by three (3). Fourteen (14) comments noted the district is still accountable for the competencies of the eliminated EOCs due to the addition of the EOHS.

RESPONSE: During its regularly scheduled meeting in August, the board agreed to reduce the number of assessments based on concerns about the over-assessment of students. The board did not agree to eliminate the expectation for all students to demonstrate competencies established by state standards.

COMMENT #7: Fifty-six (56) comments were received regarding the development and appropriateness of a pre-K through Grade 3 assessment.

RESPONSE: The pre-K through Grade 3 assessment was originally included in MSIP-5 as a report-only item. In response to feedback generated during the summer regional advisory committee meetings, report-only items were removed from the proposed rule. A pre-K through K assessment will be piloted during the 2012-2013 school year, but it will not be utilized for determining a district's classification status.

COMMENT #8: Twenty-three (23) comments were received regarding the requirement for students to take chemistry EOC assessment as well as the introduction of two (2) unidentified science assessments.

RESPONSE: The board reviewed the assessment schedule during the August 2011 board meeting and removed the language relating to EOCs specifically for chemistry and physics courses. The assessment schedule now includes reference to two (2) additional high school-level sciences, but does not specify which courses must be taken. Demonstrated mastery of the competencies outlined in the new science standards will be expected. The new standards for science will be available in fall 2012. Because of the variety of important areas of science content as well as the course options in most high schools, the Department of Elementary and Secondary Education (department) will encourage a variety of pathways along which students may demonstrate those competencies.

COMMENT #9: Thirty (30) comments were received regarding the utilization of technology to administer the required assessments. Four (4) comments were concerned about the utilization of technology to assess students at the elementary level.

RESPONSE: All EOC assessments have been administered online beginning in summer 2011. Beginning in 2015, districts will have a three (3)-year grace period to fully transition to online test administration for grades 3-8. Technology use for these assessments will be age- and grade-appropriate and will provide immediate feedback to teachers.

COMMENT #10: Thirteen (13) comments were received regarding the use of the ACT. Twelve (12) of these comments suggested the utilization of the ACT rather than the EHOS assessment. One (1) comment was received regarding an alleged racial bias of the ACT.

RESPONSE: This issue was explored at length in 2008 when the state, for multiple reasons, opted to utilize the EOC assessment rather than the ACT as an indicator of academic achievement at the high school level. The board declines to make this change.

COMMENT #11: Forty (40) comments were received regarding the addition of Accredited with Distinction classification. Thirty-nine (39) comments suggested maintaining the current three (3) levels of classification and continuing to utilize the Distinction in Performance award. One (1) comment suggested that districts would be unable to meet the Distinction in Performance due to the implementation of the Smarter Balance curriculum and assessments.

RESPONSE: The board believes it is important to formally recognize exceptional performance and declines to make this change.

COMMENT #12: Ten (10) comments were received regarding the development and implementation of an MSIP-5 waiver rule utilizing the same timeline as the MSIP rule.

RESPONSE: The MSIP-5 waiver rule will be developed once the MSIP-5 rule has been finally adopted. At that time, it will be determined which requirements can be waived.

COMMENT #13: One hundred forty-two (142) comments were received regarding physical education and fine arts inclusion in MSIP-5. Ninety-seven (97) of these comments suggest MSIP-5 process standards include the requirement for K-12 fine arts in the schools (fifty (50) minutes per week for music and fifty (50) minutes per week for visual art in elementary schools,

and a one (1)-credit fine arts graduation requirement in high schools), taught by fully certified fine arts teachers. Ninety-seven (97) of these comments support the inclusion of the language in the rule indicating the MSIP–5 process standards and indicators will include evidence of adequate instruction in physical education and fine arts to be included in the standards used to determine classification. Thirteen (13) of these comments suggested removing the language in the rule indicating the MSIP–5 process standards and indicators will include evidence of adequate instruction in physical education and fine arts to be included in standards used to determine classification, and recommend these content areas be addressed in the resource and process standards. Thirty-two (32) of these comments support the inclusion of fine arts and physical education in general.

RESPONSE: The board has agreed to revise the resource and process standards in a separate rule outlining standards that are supported by best practice and research. The standards will be presented to the board in spring 2012. A committee of stakeholders will participate in the review of the current standards and act in an advisory capacity in developing the revised resource and process standards. These comments will be shared with the committee. The board agrees with the recommendation to maintain language in the rule indicating that MSIP–5 process standards and indicators will include evidence that adequate instruction in physical education and fine arts are included in standards used to determine classification.

COMMENT #14: One thousand five hundred twelve (1,512) comments were received regarding restoring the Fourth Cycle MSIP Standard 7.2 related to gifted education in MSIP–5.

RESPONSE: Fourth Cycle MSIP Standard 7.2 related to gifted education is a process standard. The board has agreed to revise the resource and process standards in a separate rule outlining standards that are supported by best practice and research. The standards will be presented to the board in spring 2012. A committee of stakeholders will participate in the review of the current standards and act in an advisory capacity in developing the revised resource and process standards. These comments will be shared with the committee.

COMMENT #15: Sixteen (16) comments were received regarding graduation rate and dropout rate. Fifteen (15) comments suggested returning to the use of a dropout rate and utilization of persistence to graduation rate rather than an adjusted cohort rate. One (1) comment was received concerning limiting the calculation to five (5) years from the cohorts' entry into ninth grade due to the utilization of Individualized Education Plans (IEPs) to determine appropriate graduation time.

RESPONSE: The board has established a committee of stakeholders that are acting in an advisory capacity in the development of the framework and scoring guide for MSIP–5. The department anticipates that a scoring guide will be taken to the board in January.

COMMENT #16: One (1) comment was received regarding the development of a measure for post-elementary preparation for elementary students.

RESPONSE: The board has established a committee of stakeholders that are acting in an advisory capacity in the development of the framework and scoring guide for MSIP–5. The department anticipates that a scoring guide will be taken to the board in January.

COMMENT #17: Eighty-seven (87) comments were received regarding maintaining the resource and process standards, including standards for class size, library media, counseling, administrators, and course offerings.

RESPONSE: The board has agreed to revise the resource and process standards in a separate rule outlining standards that are supported by best practice and research. The standards will be presented to the board in spring 2012. A committee of stakeholders will participate in the review of the current standards and act in an advisory capacity in developing the revised resource and process standards. These comments will be shared with the committee.

COMMENT #18: Thirty-five (35) comments were received regarding maintaining the current Fourth Cycle MSIP resource and process standards until the MSIP-5 resource and process standards are in place.

RESPONSE: The board agrees to maintain Fourth Cycle MSIP resource and process standards until the MSIP-5 resource and process standards are in place.

COMMENT #19: Ninety-six (96) comments were received regarding maintaining a guidance counselor resource standard.

RESPONSE: The board has agreed to revise the resource and process standards in a separate rule outlining standards that are supported by best practice and research. The standards will be presented to the board in spring 2012. A committee of stakeholders will participate in the review of the current standards and act in an advisory capacity in developing the revised resource and process standards. These comments will be shared with the committee.

COMMENT #20: Seven (7) comments were received regarding the utilization of pipeline data in determining the classification of districts and the follow-up of secondary students.

RESPONSE: These items were originally included in MSIP-5 as a report-only item. In response to feedback generated during the summer regional advisory committee meetings, report-only items were removed from the proposed rule. While not used for accreditation purposes, these data can provide useful information to school districts and contribute to better informing all stakeholders. These data will continue to be published but will not be reported on the Annual Performance Report.