

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

PROPOSED AMENDMENT

5 CSR 20-100.160 Policies and Standards for Summer School Programs. The State Board of Education is proposing to amend sections: (1), (2), (3), and (4) and delete sections (5), (7), (8), (9), (10), (11), (12) and (13) and renumbering as needed.

PURPOSE: The State Board of Education has adopted rules to govern the oversight and operation of summer school programs in the State. This proposed amendment will remove unnecessary language from the rule on policies and standards for summer school programs.

(1) Summer school programs, **approved by the local board of education**, may be held any time between the close of the regular school term and the beginning of the next regular term *[and must be approved by the local school board]*. School districts with a “year-round” regular term schedule may conduct an approved component of summer school during the breaks in the regular term. A summer school program *[shall]* consist of a planned schedule of course offerings for *[resident]* **Missouri domiciled** students at the elementary or high school level. An approved summer school program for students without disabilities must be in session for at least one hundred twenty (120) clock hours. Summer school programs for students with disabilities *[must be in session for at least sixty (60) clock hours depending upon the hours needed to comply with]* **are to be aligned to** the Individualized Education Program (IEP).

(2) A school board may authorize the operation of summer school programs at the elementary or high school level, or both. *[Each approved summer school program shall have at least the required minimum clock hours of instruction.]* **Minimum clock hours for programs are included in section (1)**. An elementary summer school program may include any combination of grades kindergarten through eight (K–8). A high school summer school program may include any combination of grades seven through twelve (7–12). A school district or charter school may operate one (1) or more summer school programs at any level. **Minimum clock hours apply to each program.** *[Each summer school program that is operated separately with different opening and closing dates must meet the minimum clock hours of instruction requirements. A variety of classes may be offered at either the elementary or secondary level which meet state guidelines and whose total hours of instruction equal at least one hundred twenty (120) clock hours. A second method of meeting]* **Schools may “stack” a variety of classes to meet the [clock hour] requirement of one hundred twenty (120) clock hours.** *[is to offer a variety of classes at the elementary and secondary level whose combined hours total at least one hundred twenty (120). This method is commonly referred to as “stacking.”]* Under the “stacking” method, typically sixty (60) hours of instruction are offered at the elementary level with sixty (60) hours of instruction offered at the secondary level for a combined total of one hundred twenty (120) clock hours. The clock hours of regular summer school classes may be combined with the clock hours of special education extended school year programs to reach the one hundred twenty (120) clock hour requirement. *[No individual course or segment of an approved summer school program, other than special education programs, may consist of less than thirty*

(30) clock hours of classroom instruction.] **With the exception of special education programs, individual courses or segments consist of a minimum of thirty (30) hours.** Minimum time requirements exclude break time and lunch time. School districts with “year-round” regular term schedules may include instructional hours offered in a structured summer school program held during breaks in the regular term.

(A) *[Examples of acceptable combinations are as follows:*

1. *Sixty (60) hours in grades kindergarten through six (K–6) or kindergarten through eight (K–8) plus sixty (60) hours in grades seven through eight (7–8) or nine through twelve (9–12) in an approved summer school;*

2. *Sixty (60) hours in a special education extended school year program plus sixty (60) hours in grades kindergarten through eight (K–8) or nine through twelve (9–12) in an approved summer school;*

3. *Thirty (30) hours in grades kindergarten through six (K–6) plus thirty (30) hours in grades seven through eight (7–8) plus sixty (60) hours in grades nine through twelve (9–12) in an approved summer school; or*

4. *Sixty (60) hours in grades kindergarten through eight (K–8) offered during breaks in the regular term plus sixty (60) hours in grades nine through twelve (9–12) offered during breaks in the regular term for school districts with year-round regular term schedules.*

(B) Title I summer school hours may not be used in the “stacking” method **per federal law.** *[The district or charter school must demonstrate compliance with the supplement not supplant requirement before federal programs funds may be used for summer services. Prior to obligating federal funds for summer services, the district must complete a Federal Program Proposed Summer School Plan.]*

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

(A) Any course which may be offered in the regular school term may be approved **for** [*as part of the*] summer school with the exception of physical education hours that do not count as credit toward graduation for students in grades nine (9), ten (10), eleven (11) and twelve (12). Special approval must be requested for summer school courses that would require special approval during the regular term.

(B) *[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.

(C) Non-curricular programs such as camps and athletic practices may be offered but not included in clock hour requirements or for summer school membership and/or the associated attendance hours for state aid purposes. *[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 students between the ages of six and twenty (6–20) in grades one through twelve (1–12) and students who are eligible to attend kindergarten the next fall (must be five (5) years **old** before the first day of August of the school year beginning in that calendar year) may be counted for summer school state aid purposes in accordance with Chapter 163, RSMo.

[(5) Some high school courses may be offered for credit and some courses for no credit in an approved summer school program. High school students 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 break time and lunch time.

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

[(7) Transportation for summer school students with disabilities is reimbursable as provided in 5 CSR 30-261.040 Allowable Costs for State Transportation Aid.

(8) *School food services for summer school students are not required but may be provided.*

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

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

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

(12) *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 DESE staff.*

(13) *School districts and charter schools must keep individual student membership and attendance records for summer school programs. The summer school records shall be audited as required by law.*

(14)] **(6)** Summer school program applications and reports shall be submitted in a form and at a time as may be required by DESE.

*AUTHORITY: sections 161.092(2), 163.011, 163.021(2)[and], 163.031, [RSMo Supp. 2007 and sections]167.227, and 178.280, RSMo [2000] **2016**. * This rule previously filed as 5 CSR 50-*

340.050. Original rule filed May 14, 1971, effective May 24, 1971. Amended: Filed September 20, 2018.

PUBLIC COST: This proposed amendment is estimated to cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, ATTN: School Improvement, Office of Quality Schools, PO Box 480, Jefferson City, MO 65102-0480, or by email to msip@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*