

**CONSIDERATION OF AN ORDER OF RULEMAKING TO ADOPT 5 CSR 30-660.085,
ATTENDANCE HOUR REPORTING**

STATUTORY AUTHORITY:

Sections 161.021, 161.092, and 171.031,
RSMo

Consent
Item

Action
Item

Report
Item

PRIORITY AREA

Success-Ready Students & Workforce Development

SUMMARY

On July 7, 2020, the State Board of Education approved a notice of proposed rulemaking to adopt 5 CSR 30-660.085, Attendance Hour Reporting. The notice of proposed rulemaking was published for comment in the August 17, 2020, edition of the *Missouri Register*. The Department of Elementary and Secondary Education received two comments during the comment period.

This rule establishes policies and standards for local education agencies (LEAs) for maintaining attendance hour records in accordance with Chapter 163, RSMo, to meet the health and safety needs of students and faculty if social distancing is necessary due to COVID-19 during the 2020-21 school year.

PRESENTER

Kari Monsees, Deputy Commissioner, Division of Financial and Administrative Services, will participate in the presentation and discussion of this agenda item.

RECOMMENDATION

The Department recommends that the State Board of Education authorize publication in the *Missouri Register* of an order of rulemaking to adopt 5 CSR 30-660.085, relating to attendance hour reporting. The State Board of Education finds this proposed rule necessary to carry out the purposes of Sections 161.021, 161.092, and 171.031, RSMo.

**Title 5-DEPARTMENT OF ELEMENTARY AND SECONDARY
EDUCATION**

**Division 30-Division of Financial and Administrative
Services Chapter 660-School Finance**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under *section 161.092, RSMo 2016, and sections 163.021 and 171.031, RSMo Supp. 2019*, the board adopts a rule as follows:

5 CSR 30-660.085 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on August 17, 2020 (45 MoReg 1222-1227). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received two (2) comments on the proposed rule.

COMMENT #1: Doug Thaman, Executive Director of the Missouri Charter Public School Association, requests that virtual school students be allowed to complete their coursework on campus.

RESPONSE: Students completing virtual coursework receive an assumed 94% attendance rate for the course. They may take virtual courses onsite at the discretion of the Local Education Agency (LEA), but when they do so the onsite seated attendance rate applies. No changes have been made to the rule based on this comment.

COMMENT #2: Doug Thaman, Executive Director of the Missouri Charter Public School Association, requests that “instruction during quarantine” attendance reporting provisions apply to individual students, in addition to groups of students quarantined due to exposure through school activities.

RESPONSE AND EXPLANATION OF CHANGE: Under current guidance, homebound instruction provisions allow for attendance to be reported for individual students under quarantine. However, given the requirements of homebound instruction and the potential quantity of students impacted by quarantine as a result of COVID-19, subsection (1)(E) will be changed to allow for “instruction during quarantine” attendance reporting to apply to individual students under an approved AMI-X plan.

5 CSR 30-660.085 Attendance Hour Reporting

(1) The following definitions apply to this rule:

(A) Alternative Methods of Instruction (AMI) Plan: The AMI plan is the plan submitted to and approved by the Department of Elementary and Secondary Education (department), enabled by section 171.033.5(2), and that allows the claiming of limited attendance when schools are closed due to exceptional circumstances;

(B) Alternative Methods of Instruction-Extended (AMI-X) Plan: The AMI-X plan is the plan submitted to and approved by the department, enabled by this rule, and that allows the claiming of attendance when schools are closed or onsite attendance is modified due to COVID-19 during the 2020-2021 school year;

(C) Distanced Instruction: Students are offsite and receive instruction through online means or through the use of physical materials. Instruction includes teacher interaction as approved by the department in the LEA's AMI-X plan;

(D) Fixed Blended Instruction: Students receive instruction under a planned pattern of onsite and distanced instruction that includes a minimum equivalent of two (2) full days of onsite instruction per week. For the purpose of this rule, fixed-blended calendars are designed to support social distancing;

(E) Instruction During Quarantine: An individual student or a group of students, such as a classroom or bus roster, receive distanced instruction for an identified period of time to protect public health;

(F) Intermittent Blended Instruction: Students in an entire school building or LEA receive distanced instruction during a period of interruption to the planned pattern. The planned pattern of onsite or fixed blended instruction is interrupted by local conditions that prevent any onsite instruction; and

(G) Onsite Instruction: Students are physically present at the school under the guidance and direction of teachers in the teaching process.