

MISSOURI STATE BOARD OF EDUCATION AGENDA ITEM:**August 2020**

**CONSIDERATION OF A NOTICE OF EMERGENCY RULEMAKING AND
PROPOSED RULEMAKING TO ADOPT 5 CSR 30-660.090, CHARTER SCHOOL LOCAL
EDUCATION AGENCY (LEA) ATTENDANCE HOUR REPORTING**

STATUTORY AUTHORITY:

Sections 160.415, 161.092, 163.031,
163.043, and 163.087, RSMo

Consent
Item

Action
Item

Report
Item

PRIORITY AREA

Efficiency & Effectiveness

SUMMARY

This emergency rule and proposed rule establish policies and standards for charter school LEAs for providing foundation formula payment and other state aid payments in accordance with Chapter 160, RSMo, to meet the health and safety needs of students and faculty if social distancing is necessary due to COVID-19 during the 2020-2021 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 the emergency rule to adopt 5 CSR 30-660.090, relating to charter school LEA attendance hour reporting.

The Department also recommends that the State Board of Education authorize publication in the *Missouri Register* of the proposed rule to adopt 5 CSR 30-660.090, relating to charter school LEA attendance hour reporting.

The State Board of Education finds that the emergency rule and proposed rule are necessary to carry out the purposes of Sections 160.415, 161.092, 163.031, 163.043, and 163.087, RSMo.

**Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 30—Division of Financial and Administrative Services
Chapter 660—School Finance**

EMERGENCY RULE

5 CSR 30-660.090 Charter School Local Education Agency (LEA) Attendance Hour Reporting

PURPOSE: This emergency rule establishes policies and standards for charter school local education agencies (LEAs) for providing foundation formula payment in accordance with Chapter 160, RSMo, to meet the health and safety needs of students and faculty if social distancing is necessary due to COVID-19 during the 2020-2021 school year.

*EMERGENCY STATEMENT: This emergency rule is necessary due to the novel COVID-19 pandemic and charter schools' need for flexibility in their attendance claiming for purposes of state aid payments. The State Board of Education (board) voted on ____, 2020, to grant the ability for charter school LEAs to claim weighted average daily attendance in an alternative method otherwise not outlined in statute. This applies only for the 2020-2021 school year. Because COVID-19 has caused a disruption in the provision of educational services during the 2020-2021 school year, this emergency rule is necessary to protect the health, safety, and welfare of those students by ensuring that there will be regulations in place that provide charter school LEAs with notice of the criteria set forth by the board on ____, 2020. As a result, the board finds a compelling governmental interest, which requires this emergency action. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri** and **United States Constitutions**. The board believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed on ____, 2020, becomes effective ____, 2020, and expires ____, 2020.*

(1) The following definitions apply to this rule:

(A) Average Daily Attendance (ADA): the quotient or the sum of the quotients obtained by dividing the total number of hours attended in a term by pupils between the ages of five (5) and twenty-one (21) by the actual number of hours school was in session in that term.

(B) First Preceding Year: The school year prior to the year attendance was impacted by COVID-19, specifically the 2019-2020 school year for the purpose of this rule.

(C) Weighted Average Daily Attendance (WADA): The average daily attendance plus the product of twenty-five hundredths (0.25) multiplied by the free and reduced price lunch pupil count that exceeds the free and reduced price lunch threshold, plus the product of seventy-five (0.75) hundredths multiplied by the number of special education pupil count that exceeds the special education threshold, plus the product of six-tenths (0.6) multiplied by the number of limited English proficiency pupil count that exceeds the limited English proficiency threshold.

(2) For the purposes of state aid calculation outlined in section 160.415, RSMo, during the 2020-2021 school year, WADA for charter school LEAs shall be defined as the higher of the current year's WADA or the first preceding year's WADA. This provision is applicable for the 2020-2021 school year.

(3) For the purposes of other state aid calculations outlined in sections 163.043 and 163.087, RSMo, that rely on the 2020-2021 school year ADA or WADA, charter school LEAs may rely on the higher of the 2019-2020 or 2020-2021 applicable ADA or WADA. This provision is applicable for the 2021-2022 school year.

AUTHORITY: sections 161.092, 160.415, 163.031, 163.043, and 163.087, RSMo 2016.

Emergency rule filed on _____, 2020, becomes effective _____, 2020 and expires _____, 2020.

PUBLIC COST: This emergency rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency rule is effective.

PRIVATE COST: This emergency rule will not cost private entities more than five hundred dollars (\$500) in the time the emergency rule is effective.

**Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 30—Division of Financial and Administrative Services
Chapter 660—School Finance**

PROPOSED RULE

5 CSR 30-660.090 Charter School Local Education Agency (LEA) Attendance Hour Reporting

PURPOSE: This proposed rule establishes policies and standards for charter school local education agencies (LEAs) for providing foundation formula payment in accordance with Chapter 160, RSMo, to meet the health and safety needs of students and faculty if social distancing is necessary due to COVID-19 during the 2020-2021 school year.

(1) The following definitions apply to this rule:

(A) Average Daily Attendance (ADA): the quotient or the sum of the quotients obtained by dividing the total number of hours attended in a term by pupils between the ages of five (5) and twenty-one (21) by the actual number of hours school was in session in that term.

(B) First Preceding Year: The school year prior to the year attendance was impacted by COVID-19, specifically the 2019-2020 school year for the purpose of this rule.

(C) Weighted Average Daily Attendance (WADA): The average daily attendance plus the product of twenty-five hundredths (0.25) multiplied by the free and reduced price lunch pupil count that exceeds the free and reduced price lunch threshold, plus the product of seventy-five (0.75) hundredths multiplied by the number of special education pupil count that exceeds the special education threshold, plus the product of six-tenths (0.6) multiplied by the number of limited English proficiency pupil count that exceeds the limited English proficiency threshold.

(2) For the purposes of state aid calculation outlined in section 160.415, RSMo, during the 2020-2021 school year, WADA for charter school LEAs shall be defined as the higher of the current year's WADA or the first preceding year's WADA. This provision is applicable for the 2020-2021 school year.

(3) For the purposes of other state aid calculations outlined in sections 163.043 and 163.087, RSMo, that rely on the 2020-2021 school year ADA or WADA, charter school LEAs may rely on the higher of the 2019-2020 or 2020-2021 applicable ADA or WADA. This provision is applicable for the 2021-2022 school year.

AUTHORITY: sections 161.092, 160.415, 163.031, 163.043, and 163.087, RSMo 2016. Original rule filed on _____, 2020.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule 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 rule with the Department of Elementary and Secondary Education, ATTN: Kari Monsees, Division of Financial and Administrative Services, PO Box 480, Jefferson City, MO 65102-0480, or by email to DESE.AdminRules@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.*