

Administrative Memo

Date: April 3, 2020
To: School Administrators
From: Dr. Margie Vandeven, Commissioner of Education
Subject: COM-20-002 – Missouri Statutes Waived Due to COVID-19

Due to extended school closures during the COVID-19 pandemic, the Missouri Department of Elementary and Secondary Education (DESE) requested the waivers of several state statutes. At 4:00 p.m. on April 2, 2020, DESE received approval from Governor Mike Parson to waive the statutes cited below.

STATUTES IMPACTING 2020 SENIORS

Some 2020 graduating seniors are not able to take a number of required assessments that are required for graduation. To ensure these graduating seniors are not penalized due to COVID-19 and school closures, the following statutes are waived through the end of the 2019-20 school year, applying only to 2020 graduating seniors:

CPR and Heimlich Maneuver Training Statute

[Section 170.310.1, RSMo](#): “For school year 2017-18 and each school year thereafter, upon graduation from high school, pupils in public schools and charter schools shall have received thirty minutes of cardiopulmonary resuscitation instruction and training in the proper performance of the Heimlich maneuver or other first aid for choking given any time during a pupil's four years of high school.”

Missouri and U.S. Constitutions Statute

[Section 170.011.3, RSMo](#): “No pupil shall receive a certificate of graduation from any public or private school other than private trade schools unless he or she has satisfactorily passed an examination on the provisions and principles of the Constitution of the United States and of the state of Missouri, and in American history, American institutions, and American civics.”

Missouri Civics Education Initiative Statute

[Sections 170.345.2 and 170.345.3, RSMo](#): “Any student entering the ninth grade after July 1, 2017, who is attending any public, charter, or private school, except private trade schools, as a condition of high school graduation shall pass an examination on the provisions and principles of American civics. The examination shall consist of one hundred questions similar to the one hundred questions used by the United States Citizenship and Immigration Services (USCIS) that are administered to applicants for United States citizenship.”

OTHER WAIVED STATUTES

Several additional statutes are waived through the end of the 2019-20 school year, or have deadlines that are now extended, due to school closures resulting from COVID-19. Those statutes currently include:

State Aid for Transportation of Pupils Statute

[Section 163.161.1, RSMo](#): “Any school district which makes provision for transporting pupils as provided in section [162.621](#) and sections [167.231](#) and [167.241](#) shall receive state aid for the ensuing year for such transportation on the basis of the cost of pupil transportation services provided the current year. A district shall receive, pursuant to section [163.031](#), an amount not greater than seventy-five percent of the allowable costs of providing pupil transportation services to and from school and to and from public accredited vocational courses, and shall not receive an amount per pupil greater than one hundred twenty-five percent of the state average approved cost per pupil transported the second preceding school year, except when the state board of education determines that sufficient circumstances exist to authorize amounts in excess of the one hundred twenty-five percent of the state average approved cost per pupil transported the second previous year.”

- This waiver means the miles driven by school buses that are delivering food and/or remote learning opportunities to students, and/or providing Wi-Fi near students’ homes, are allowable transportation costs (under the district’s emergency preparedness plan) and may now be reported as eligible route miles on the Application for State Transportation Aid. Amid COVID-19 school closures, schools are now taking school to Missouri students, instead of bringing students to school.

Reading Assessments Statute

[Section 167.645.2, RSMo](#): “For purposes of this section, methods of reading assessment shall be determined by each school district. Unless a student has been determined in the current school year to be reading at grade level or above, each school district shall administer a reading assessment or set of assessments to each student within forty-five days of the end of the third-grade year, except that the provisions of this subsection shall not apply to students receiving special education services under an individualized education plan pursuant to sections 162.670 to 162.999, to students receiving services pursuant to Section 504 of the Rehabilitation Act of 1973 whose services plan includes an element addressing reading or to students determined to have limited English proficiency or to students who have been determined, prior to the beginning of any school year, to have a cognitive ability insufficient to meet the reading requirement set out in this section, provided that districts shall provide reading improvement plans for students determined to have such insufficient cognitive ability. The assessment required by this subsection shall also be required for students who enter a school district in grades four, five or six unless such student has been determined in the current school year to be reading at grade level or above.”

- These Grade 3 reading assessments, selected at the local level, are not part of the federal assessment waiver DESE applied for and received from the U.S. Department of Education. As is evident by the department’s focus on early learning and early literacy, DESE believes in the importance of these assessments; however, school closures make fulfilling this requirement unrealistic.

Physical Fitness Assessments and Awards Statutes

[Section 161.450.2, RSMo](#): Physical fitness challenge for students – “Cade’s Law”

“The department of elementary and secondary education shall develop and adopt rules relating to a physical fitness challenge for elementary, middle, and high school level students. The challenge shall include, but not be limited to, elements that address physical conditioning, flexibility, strength, and aerobic capacity and shall recognize individual, team, and school-wide performance.”

[Section 167.720, RSMo](#), mandates the Commissioner/Department of Elementary and Secondary Education annually select for recognition students, schools, and school districts that are considered to have achieved improvement in fitness.

- The original reporting for Missouri fitness assessments, due in June, is waived. The Commissioner’s fitness awards are also waived. School closures make fulfilling this requirement unrealistic.

Certificated Teachers – Contract Notification for Re-Employment by April 15 Statute

[Section 168.101.3, RSMo](#): “Each school board having one or more certificated employees as described in subsection 1 of this section under contract shall notify each such certificated employee in writing concerning his reemployment in his present staff position or lack thereof on or before the fifteenth day of April of the year in which the contract then in force expires. Failure on the part of a board to give the notice constitutes reemployment on the same terms and in the same staff position as those provided in the contract of the current fiscal year; and not later than the fifteenth day of May of the same year the board shall present a contract to each such certificated employee notified of reemployment by the district.”

- The timelines in this statute are extended or waived for an additional 30 days each.