

**OFFICE OF CHIEF ACCOUNTABILITY OFFICER**  
**Summary of State Board of Education Agenda Items**  
**July 15, 2021**

**OFFICE OF ACCOUNTABILITY**  
**OFFICE OF ACADEMIC EDUCATION**

03. Action: Establish Miss. Admin. Code 7-3: 56.2, State Board Policy Chapter 56, Rule 56.2: Virtual Students [Goals 1, 2, 3, 4, 5, and 6 – MBE Strategic Plan]  
(Has cleared the Administrative Procedures Act process with public comments)

Background Information: As a part of Mississippi's response to coronavirus (COVID-19), local education agencies (LEAs) began utilizing one (1) of three (3) options (traditional schedule, hybrid schedule, or virtual schedule) or any combination thereof, for operating schools in the 2020 – 2021 school year to meet the 180-day teaching day requirement in accordance with Miss. Code Ann. § 37-13-63. The MDE determined a need for a policy and guidance for districts opting to allow students to attend virtually. A group of stakeholders consisting of superintendents, principals, teachers, and students was formed to provide feedback to MDE. The Virtual Policy Steering Committee met on May 18, 2021 and May 25, 2021.

The temporary rule and final action are necessary to implement the policy revisions immediately upon its filing with the Secretary of State in accordance with Miss. Code Ann. § 25-43-3.113(2)(b)(ii). See *also* Miss. Code Ann. § 25-43-3.108. For a rule to become effective immediately upon its filing, the Board is required to make a finding that the rule only confers a benefit or removes a restriction on the public or some segment thereof.

This item references Goals 1, 2, 3, 4, 5, and 6 of the *Mississippi Board of Education 2018 – 2022 Strategic Plan*.

The public comment period was open through 5:00 p.m. July 12, 2021 with public comments received.

Recommendation: Approval

Back-up material attached: See back-up material for Board item 02.

## Chapter 56: Distance Learning, Blended Learning and On-Line Courses

### Rule 56.2 Virtual Students

**Beginning with the 2021 – 2022 school year** all districts shall resume providing face-to-face in-person instruction as the primary mode of instructional delivery. Mississippi Code Ann. § 37-13-63 mandates that Mississippi public schools have a minimum of 180 days of teaching. Process Standard 13 of the current edition of the *Mississippi Public School Accountability Standards* mandates that both students and teachers are present for scheduled classroom instruction during the minimum of 180 days. Therefore, districts that opt to offer a virtual learning<sup>1</sup> option to students shall ensure that students who access instruction virtually from off-campus have instruction provided and access to the assigned teacher(s) including any special services teachers/providers during a scheduled time for each course each of the 180 days.

Districts that opt to offer a virtual learning option to individual students shall ensure that the virtual learning day includes the minimum 330 minutes of actual teaching as required by Miss. Code Ann. § 37-13-67. Teachers shall provide actual instruction to students during each virtual learning day and may not utilize asynchronous learning only. **Virtual learners shall receive the equivalent amount of synchronous and asynchronous instruction as in-person students.**

Districts that opt to offer virtual learning shall adopt, publish, and make publicly available, local board-approved policies that include, at a minimum:

1. a requirement for parents and students (if age-appropriate) to sign a commitment that acknowledges receipt and acceptance of, and commitment to, the local board policy pertaining to virtual learning;
2. criteria for students to participate and remain in virtual learning;
3. reliable connectivity requirements;
4. the use of student-issued devices and personal devices;
5. attendance requirements;
6. discipline/Code of Conduct;
7. assurance of equal access/nondiscrimination;
8. assurance of the delivery of Free Appropriate Public Education (FAPE) for students with disabilities:
  - a. process for conducting meetings pertaining to the evaluation and eligibility of students with disabilities;
  - b. process for monitoring and documenting student progress and services delivered to students with disabilities;
  - c. process for ongoing communication with families, teachers, and related service providers;

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<sup>1</sup> Virtual learning is defined as the student accesses instruction outside of the physical school building such as online or through distance learning mechanisms. (See also State Board Policy Chapter 9, Rule 9.2)

9. criteria for attendance on campus to meet course requirements and/or district interim assessments; and
10. assurance of compliance with Family Educational Rights and Privacy Act (FERPA)

All virtual students will be required to participate in the required statewide assessments on campus.

Virtual learning may not be used to circumvent disciplinary practices, including but not limited to suspension and/or expulsion. Further, in keeping with comparable services afforded students in alternative education, students remanded to alternative school campuses for disciplinary offenses or for participation in high school equivalency coursework shall be presented face-to-face instruction from certified instructors in core subject areas unless the district offers a virtual option, as referenced above, to all students.

In the event of any audits conducted by the MDE, all process standards (i.e., student-teacher ratios, instructional practices, planning time, compulsory attendance, teacher evaluations, etc.) for virtual learning will be held to the same standards as in-person learning. Lesson plans shall include details for virtual learning and denote synchronous vs. asynchronous learning as applicable.

*See also* Mississippi High School Activities Association (MHSAA) handbook regarding participation of virtual students in MHSAA sanctioned activities

*See also* State Board Policy Chapter 7 *Alternative Education Programs*

*See also* State Board Policy Chapter 9 Rule 9.2, *Reporting Attendance for Virtual Learning*

*See also* State Board Policy Chapter 9 Rule 9.3, *Designated School-Wide/District-Wide Virtual Learning Days*

*See also* State Board Policy Chapter 56 Rule 56.1, *Distance Learning, Blended Learning, and Online Courses*

Miss. Code Ann. §§ 37-1-3, 37-13-63, 37-13-64, 37-13-67, 37-13-92

(Adopted TBD)

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(Adopted TBD)