

OFFICE OF CHIEF ACCOUNTABILITY OFFICER
Summary of State Board of Education Agenda Items
January 20, 2021

OFFICE OF ACCOUNTABILITY
OFFICE OF ACADEMIC EDUCATION

05. Action: Approval of a temporary rule and to begin the Administration Procedures Act process: To revise Miss. Admin. Code 7-3: 9.3, State Board Policy Chapter 9, Rule 9.3: School-Wide and District-Wide Virtual Learning Days [Goals 1, 2, 3, 4, 5, and 6 – MBE Strategic Plan]

Background Information: As a part of Mississippi's ongoing 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 days of teaching requirement in accordance with Miss. Code Ann. § 37-13-63.

The MDE determined a need for a policy and guidance for districts opting to use school-wide or district-wide virtual learning days should the need arise. A group of stakeholders consisting of superintendents, principals, teachers, and students was formed to provide feedback to MDE and develop a proposed policy for school-wide or district-wide virtual learning days. The Virtual Policy Steering Committee met on May 18, 2021, and May 25, 2021. On June 17, 2021, the State Board of Education (SBE) approved the proposed policy as a temporary rule to become effective immediately for the 2021 – 2022 school year. Final approval of the policy was granted by the SBE on July 15, 2021.

State Board Policy Chapter 9, Rule 9.3: School-Wide and District-Wide Virtual Learning Days as approved by the SBE on July 15, 2021, eliminated the hybrid (a combination of virtual and traditional instructional modes) scheduling option for the 2021 – 2022 school year. Due to the increased number of diagnosed COVID cases in school-aged children at the beginning of the 2021 – 2022 school year and in consultation with Mississippi State Department of Health officials, the State Board of Education revised State Board Policy Chapter 9, Rule 9.3 to allow districts to utilize the hybrid scheduling option from August 19, 2021, through October 31, 2021.

Based on the most recent surge in COVID-19 cases, the MDE is recommending revisions to State Board Policy Chapter 9, Rule 9.3 to allow districts to utilize the hybrid scheduling option effective immediately upon approval by the State Board of Education through March 11, 2022.

The use of the hybrid scheduling option is only available for use in response to the COVID pandemic. During this time, a district/school shall adhere to all requirements outlined in this policy and State Board Policy Chapter 56 Rule 56.2: *Virtual Students*.

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*.

Recommendation: Approval

Back-up material attached

State Board Policy Chapter 9, Rule 9.3

Chapter 9: Attendance Reporting

Rule 9.3 Designated School-Wide/District-Wide Virtual Learning Days

Beginning with the 2021 – 2022 school year all districts shall resume providing face-to-face in-person instruction. 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. Additionally, Process Standard 13.3 provides that no more than two (2) of the 180 days may be 60% days. Both teachers and pupils must be in attendance for not less than 60% of the normal school day.

In the event of unplanned/unforeseen circumstances, districts may opt to utilize designated school-wide or district-wide virtual learning days throughout the year; however, the districts shall ensure that virtual learning days include the minimum 330 minutes of actual teaching as required by Miss. Code Ann. § 37-13-67 and comply with State Board Policy Chapter 56 Rule 56.2: *Virtual Students*. Teachers shall provide instruction to students during each virtual learning day. Therefore, lesson plans shall include daily synchronous/interactive instruction and dialogue. Districts 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 the scheduled time for each course.

State Board Policy Chapter 9, Rule 9.3: *School-Wide and District-Wide Virtual Learning Days* eliminated the hybrid (a combination of virtual and traditional instructional modes) scheduling option for the 2021 – 2022 school year.

However, due to the increased number of diagnosed COVID cases in school-aged children at the beginning of the 2021 – 2022 school year and in consultation with Mississippi State Department of Health officials, a district or school(s) within a district may utilize the hybrid scheduling option effectively August 19, 2021, through October 31, 2021.

Based on another surge in COVID-19 cases, districts may utilize the hybrid scheduling option from January 20, 2022, through March 11, 2022.

The use of the hybrid scheduling option is only available for use in response to the COVID pandemic. During this time, a district/school shall adhere to all requirements outlined in this policy and State Board Policy Chapter 56 Rule 56.2: *Virtual Students*.

Districts shall not use virtual learning days for the purpose of allowing students to remain off-campus to provide additional planning time, professional development opportunities, testing, or to attend athletic events.

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.

Districts shall ensure students, parents, and staff are notified in advance of any virtual learning days so that students and staff are familiar with equipment, online platforms (learning management

systems) and district-wide policies regarding student-issued devices. Districts shall identify and have alternate plans in place *only* for individual students who do not have access to internet services and shall ensure that the instruction is equivalent to his/her peers.

Virtual Learning Days vs. Inclement Weather Days

Districts shall provide sufficient notice (before the close of the prior school day) to staff and students for any weather-related or other unforeseen virtual days. Refer to Miss. Code Ann. § 37-13-64 regarding the authority of local school superintendents/boards to determine if a district will make-up missed days for weather-related school closures. When instances occur, such as widespread power outages, that make virtual learning impractical, districts shall either make up any missed days to ensure that teacher-led instruction occurs or use the days as weather days as allowed under Miss. Code Ann. § 37-13-64.

In accordance with State Board Policy Chapter 56, Rule 56.1: *Distance Learning, Blended Learning, and Online Courses*, districts may allow individual students to utilize distance learning for specific courses, or on an as-needed basis (i.e., illnesses) based on local school board policy.

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

See also State Board Policy Chapter 56 Rule 56.2, *Virtual Students*

Miss. Code Ann. §§ 37-1-3, 37-13-63, 37-13-64, 37-13-65, 37-13-67. (Adopted 6/2021, Revised 8/2021)