

OFFICE OF CHIEF ACCOUNTABILITY OFFICER
Summary of State Board of Education Agenda Items
March 26, 2020

OFFICE OF ACCOUNTABILITY
OFFICE OF ACADEMIC EDUCATION

01. Action: Approval by the SBE to suspend specific policies and process standards in Miss. Admin. Code 7-24: *Mississippi Public School Accountability Standards 2019* and Miss. Admin. Code 7-163: *Mississippi Nonpublic School Accountability Standards, 2019* for the 2019 - 2020 school year following Governor Tate Reeves' Proclamation of a State of Emergency as a result of the impact of COVID-19 (coronavirus) on school districts during the Spring of 2020 in accordance with Miss. Code Ann. § 33-15-31, 33-15-11(b)(9) and 33-15-11(c)(1) [Goals 1, 2, 3, 4, 5, and 6 – MBE Strategic Plan]

President Donald Trump declared a national emergency on March 13, 2020, in response to the COVID-19 (coronavirus) outbreak. On March 14, 2020, Governor Tate Reeves issued a Declaration of a State of Emergency for the state of Mississippi. Included in his Proclamation, Governor Reeves directed that pursuant to Miss. Code Ann. § 33-15-11(c), the provisions of state statutes, rules, regulations or orders may be temporarily suspended or modified if compliance with such provisions would prevent, hinder, or delay action to cope with the outbreak. Furthermore, on March 19, 2020, Governor Reeves issued Executive Order 1460, which in accordance with Miss. Code Ann. §§ 33-15-31, 33-15-11(b)(9) and 33-15-11(c)(1), authorizes and empowers the State Board of Education to suspend the provisions of any regulatory statutes, and to make, amend, rescind such orders, rules and regulations that it deems necessary to assist Mississippi public schools to cope with the COVID-19 emergency.

Due to the unprecedented and unique circumstances arising as a result of COVID-19, such as statewide school closures that have occurred during the later portion of the 2019 – 2020 school year, it is not economically feasible or practical to expect districts and schools to meet specific policies and process standards in the *Mississippi Public School Accountability Standards, 2019* and *Mississippi Nonpublic School Accountability Standards, 2019*.

The SBE met in its regularly scheduled meeting on March 19, 2020 and affirmed the order by the Governor to close Mississippi public schools as a result of the impact of COVID-19 (coronavirus) on school districts during the Spring of 2020. Additionally, the SBE granted approval to allow school districts to operate for less than 180 days, to suspend the administration of all statewide assessments required by state and federal law for the 2019 – 2020 school year, to suspend the Mississippi Statewide Accountability System for the 2019 – 2020 school year, and to submit a waiver request to the United States Department of Education (ED) as provided for in the Elementary and Secondary Education Act (ESEA). At that time,

the SBE scheduled a special-called meeting of the SBE for March 26, 2020 to address the specific state laws, SBE policies, and process standards that shall be suspended for the 2019 – 2020 school year due to the impact of COVID-19.

On March 20, 2020, the MDE submitted an expedited waiver to the United States Department of Education (ED) to waive certain requirements in Section 1111 of the *Elementary and Secondary Education Act of 1965* (20 U.S.C §6311(b) related to assessment and accountability requirements. Based on ED's review of MDE's request, it appears to meet all statutory requirements and, accordingly, ED intends to issue a formal approval of the MDE waiver request in the coming weeks. ED is allowing MDE to implement the waivers while ED processes the formal approval.

It is the recommendation of the MDE that the SBE suspend specific requirements within federal and state laws, State Board Policies, and the following policies and process standards contained in the *Mississippi Public School Accountability Standards, 2019*, and the corresponding policies and standards that apply to the nonpublic schools accredited by the MDE:

- Policy 3.0 – Performance Classification Policy, Mississippi Statewide Accountability System
- Process Standard 2 – Certified Personnel
- Process Standard 3 – Performance Appraisals
- Process Standard 4 – Financial Audits
- Process Standard 10 – Compulsory School Attendance
- Process Standard 13 – Academic School Year
- Process Standard 13.1 – 330 Minutes of Instruction per Day
- Process Standard 13.2 – Instructional Time for Carnegie Unit credits
- Process Standards 14, 14.1, and 14.2 – Graduation requirements
- Process Standard 16 – Mississippi Statewide Assessment System
- Process Standard 20.2 – *Literacy Based Promotion Act* requirements
- Process Standards 21 and 21.1 – Promotion/Progression/Retention of students and Uniform Grading Policy
- Process Standard 28 – Student Teacher Ratios
- Process Standards 32 and 32.1 – Juvenile Detention Centers

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

**Mississippi Administrative Code 7-24: Mississippi Public School Accountability Standards, 2019
 Rule Suspension Pursuant to Miss. Code Ann. §§ 33-15-31, 33-15-11(b)(9) and 33-15-11(c)(1)
 Executive Order 1460
 2019 – 2020 School Closures Related to COVID-19 (Coronavirus)**

| Statutes and/or Regulation(s) | Rule | Proposed Suspension and/or Revisions of Rules |
|--|--|---|
| <p>Mississippi Statewide Accountability System</p> <p>20 USC §6311(b) (§ 1111(b) of the ESEA)</p> <p>Miss. Code Ann. § 37-17-6(5)</p> <p>Accreditation Policy 3.0</p> | <p>Accreditation Policy 3.0 – Annual Performance Classification: Districts and Schools are Assigned Annual Performance Classifications based on the Business Rules of the Mississippi Statewide Accountability System.</p> <p>School Improvement:</p> <ul style="list-style-type: none"> • Comprehensive Support and Improvement Schools (CSI) • Targeted Support and Improvement Schools (TSI) • Additional Targeted Support and Improvement Schools (ATSI) | <p>On March 19, 2020, during its regularly scheduled meeting, the State Board of Education granted approval for districts and schools to maintain the same accountability designation in the 2020 – 2021 school year as assigned in the 2019 – 2020 school year with no cumulative impact for cases where multiple years with the same designation may lead to a more severe consequences.</p> <p>Schools and districts will retain the same designations for CSI, TSI, and ATSI from the 2018 – 2019 school year. The three-year average performance used in identification would exclude the 2019 – 2020 school year.</p> |
| <p>Licensed Certified Staff</p> <p>ESEA</p> <p>Miss. Code Ann. § 37-9-7</p> | <p>Process Standard 2: All district professional positions requiring licensed staff are to be filled by staff that are properly licensed and endorsed in accordance with state and federal law.</p> | <p>Requiring districts to respond to notifications of noncompliance for licensed staff during school closures due to the state of emergency produces an undue burden on districts during the emergency closures.</p> <p>The MDE will issue a one-year suspension requiring districts to respond to accreditation</p> |

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| <p>Miss. Admin. Code 7-3: 80.1 and 80.2, State Board Policy Chapter 80, Rules 80.1 and 80.2</p> <p>Process Standards 2, 2.1, 2.2, 2.3, 2.4, and 2.5</p> | | <p>personnel edits based on data submitted in MSIS to the MDE for school year 2019 – 2020.</p> |
| <p>Personnel Appraisal System</p> <p>Miss. Code Ann. § 37-3-46(b) and § 37-7-301</p> <p>Process Standards 3, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, and 3.7</p> | <p>Process Standard 3: The school district implements an annual, formal personnel appraisal system for licensed staff that includes assessment of employee on-the-job performance.</p> | <p>The MDE will suspend the requirement for districts to submit annual employee performance data for the 2019 – 2020 school year via Sharepoint; however, districts may choose to submit available Professional Growth System (PGS) data to MDE.</p> <p>The suspension will remove sanctions for districts failing to adhere to the reporting guidelines of the Educator and Administrator Professional Appraisal System for the 2019 – 2020 school year.</p> <p>Districts will not be required to attend the MDE-approved PGS training for the 2019 – 2020 school year. It is recommended that districts attend future PGS training in preparation for the upcoming school years in which Process Standard 3 is reinstated.</p> |

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| <p>Annual Financial Audit</p> <p>2 C.F.R. Part 200</p> <p>Miss. Code Ann. § 7-7-211(e) Miss. Admin. Code 7-3: 10.1, State Board Policy Chapter 10, Rule 10.1</p> <p>Process Standard 4</p> | <p>Process Standard 4:</p> <p>Local school boards are required to obtain an annual financial audit of the school district, as conducted under the guidelines of the Office of the State Auditor, no later than nine (9) months after the end of the district’s fiscal year (March 31).</p> | <p>The Office of Management and Budget (OMB) has authorized recipients and subrecipients with fiscal year-ends through June 30, 2020, to delay the completion and submission of the Single Audit reporting package, to six (6) months beyond the normal due date. Therefore, the MDE is temporarily suspending the deadline currently set in Process Standard 4 and extending the deadline by six (6) months to reflect the OMB’s extension (September 30).</p> |
| <p>Compulsory School Attendance</p> <p>Miss. Code Ann. § 37-13-91</p> <p>Miss. Admin. Code 7-3: 30.1 and 30.2, State Board Policy Chapter 30, Rules 30.1 and 30.2</p> <p>Process Standard 10</p> | <p>Process Standard 10:</p> <p>The school district implements procedures for monitoring and reporting student absences as specified in the Mississippi Compulsory Attendance Law.</p> | <p>Districts will not be required to monitor and submit student referrals for attendance violations, of compulsory school-age students, after March 16, 2020, the first date of school closures due to COVID-19, through the date classes resume following the state of emergency.</p> <p>Actions taken for petitions filed and scheduled court dates fall under the jurisdiction of the courts and the MDE will continue to adhere to the courts’ rules.</p> |

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| <p>180 Day School Calendar</p> <p>Miss. Code Ann. §§ 37-151-7(3)(c), 37-3-49, 37-13-61 through 69, and 37-15-15(j)</p> <p>Process Standard 13</p> | <p>Process Standard 13: The academic year provides a minimum of 180 teaching days.</p> | <p>On March 19, 2020, during its regularly scheduled meeting, the SBE suspended the requirement mandating each school district to submit a request to alter the school calendar and request forgiveness by the SBE for all days missed as a result of the impact of COVID-19 in the state of Mississippi.</p> <p>The SBE also approved altered school terms for school districts to operate for less than one hundred eighty (180) days for the 2019 – 2020 school year.</p> |
| <p>330 Minutes of Instruction Per Day</p> <p>Miss. Code Ann. § 37-13-67</p> <p>Process Standard 13.1</p> | <p>Process Standard 13.1: The teaching day must provide 330 minutes of instruction per day.</p> | <p>The MDE is suspending the requirement for 330 minutes of instruction per day from March 16, 2020, the first date of school closures due to COVID-19, through the date classes resume following the state of emergency.</p> |
| <p>Instructional time for Carnegie unit credit</p> <p>Miss. Code Ann. § 37-16-7</p> | <p>Process Standard 13.2: Districts must ensure that during the academic school year a minimum of 140 hours of instruction is provided for each</p> | <p>The MDE is suspending the requirement of the minimum of 140 hours of instruction required for each Carnegie unit of credit offered and 70 hours for each one-half (½) unit offered. School districts shall determine a process for awarding</p> |

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| <p>Miss. Admin. Code 7-3: 36.1-36.4, State Board Policy Chapter 36, Rules 36.1-36.4</p> <p>Process Standards 13.2 and 14</p> | <p>Carnegie unit of credit offered and 70 hours for each one-half (½) unit offered.</p> | <p>a Carnegie unit credit for courses that are incomplete for school year 2019 – 2020. Carnegie units shall not be granted for courses where the student was never enrolled during the 2019 – 2020 school year. Districts may not enroll a student in a Carnegie unit bearing course after March 16, 2020, the first date of school closures due to COVID-19, for the sole purpose of awarding a Carnegie unit credit, unless one (1) of the following conditions are met:</p> <ol style="list-style-type: none"> 1) the district is on a 4x4 block schedule and the student is taking a one-half (½) credit course, or 2) the student is enrolling in an approved online course through Mississippi Online Course Approval (MOCA) with the expectation that the student will complete the course by the end of the Spring 2020 semester. <p>The conditions outlined above are not applicable to transfer students enrolling in a school district on or after March 16, 2020.</p> <p>Based on approved school board policy, local school districts have the authority to issue a standard high school diploma to any student</p> |

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| | | who meets the minimum graduation requirements as approved by the State Board of Education. See Appendix A in <i>Mississippi Public School Accountability Standards, 2019</i> . |
| <p>Graduation Requirements</p> <p>Miss. Code Ann. § 37-17-6</p> <p>Miss. Admin. Code 7-3: 34.1 and 36.1-36.4, State Board Policies Chapter 34, Rule 34.1 and Chapter 36, Rules 36.1 – 36.4</p> <p>Process Standards 14, 14.1, and 14.2</p> | <p>Process Standard 14.1: Each student receiving a standard high school diploma has earned the minimum number of Carnegie units as specified in Appendix A.</p> <p>Process Standard 14.2: Each student receiving a standard diploma has met assessment requirements on each of the required high school end-of-course (EOC) subject area tests or met one (1) of the options in lieu of passing the test as outlined in Appendix A-5.</p> | <p>Due to the impact of school closures related to COVID-19, the MDE will suspend citations associated with changing local school board graduation requirements mid-year. The local school board has the authority to suspend and/or amend the graduation requirements set forth by the local school board for the 2019-2020 school year. <u>In no circumstance shall a student be allowed to graduate with less than the minimum number of Carnegie units set forth by the State Board of Education and outlined in Appendix A.</u></p> <p>1. Any student grades 7 through 12 that is enrolled in Algebra I, Biology, English II and/or U. S. History during the 2019 – 2020 school year and earns the Carnegie Unit credit <u>will not be required to take and/or pass the corresponding EOC subject area test(s) or meet one (1) of the options in lieu of passing the test(s) in order to meet the graduation requirements.</u></p> |

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| | | <p>2. Any student grades 7 through 12 enrolled in school during the 2019 – 2020 school year as of March 16, 2020, the first date of school closures due to COVID-19, that has passed the Algebra I, Biology, English II, and/or U.S. History course(s), but <u>has not passed the corresponding EOC subject area test(s) or met one (1) of the options in lieu of passing the test(s), will be allowed to graduate, if all other state and local graduation requirements have been met.</u></p> <p>3. Any student in grades 7 through 12 who took a Fall 2019 EOC assessment <u>as a first-time test taker (4x4 districts) and failed the corresponding EOC assessment will not be required to re-take the corresponding EOC assessment or meet one (1) of the options in lieu of passing the test(s), in any future school year to meet graduation requirements.</u></p> <p>4. Any student enrolled in Algebra I, Biology, English II, or U.S. History in the 2019 – 2020 school year <u>who fails the course in the 2019 – 2020 school year and must repeat the course in the 2020 – 2021 school year (or thereafter) to earn the Carnegie Unit credit</u></p> |

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| | | <p><u>will be required to pass the corresponding EOC assessment or meet one (1) of the options in lieu of passing the assessment as outlined in Appendix A-5.</u></p> <p>5. Any student currently enrolled in school in the 2019 – 2020 school year who earned a Carnegie Unit credit in Algebra I, Biology, English II or U.S. History in a school year prior to 2019 – 2020, <u>but took the test as a first time test taker in the Fall 2019 or was planning to take the assessment as a first-time test taker in Spring 2020 will not be required to take and/or pass the EOC assessment or meet one (1) of the options in lieu of passing the assessment when school reconvenes.</u></p> <p>6. The composite score option outlined in Appendix A-5 <u>will not be available to students who do not have four (4) EOC subject area test scores.</u></p> <p>7. Students who are <u>not currently enrolled</u> in the 2019 – 2020 school year, but are still attempting to meet the graduation requirements through re-test opportunities <u>will be required to pass the EOC</u></p> |

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| | | <u>assessment or meet one (1) of the options in lieu of passing the assessment as outlined in Appendix A-5.</u> |
| <p>Mississippi Statewide Assessment System</p> <p>20 USC § 6311(6) § 111 (b) of the ESEA</p> <p>Miss. Code Ann. §§ 37-16-1 through 4 and § 37-16-9</p> <p>Miss. Admin. Code 7-3: Ch. 34, Miss. Admin. Code 7-3: 74.20, State Board Policy Chapter 74, Rule 74.20</p> <p>Miss. Admin. Code 7-3: 78.1 and 78.7, State Board Policy Chapter 78, Rules 78.1 and 78.7</p> <p>Process Standard 16 and Appendix F</p> | <p>Process Standard 16: The school district adheres to all requirements of the Mississippi Statewide Assessment System.</p> | <p>On March 19, 2020, during its regularly scheduled meeting, the State Board of Education granted approval to suspend all federal and state requirements of the Mississippi Statewide Assessment System for the 2019 – 2020 school year:</p> <ul style="list-style-type: none"> • Pre-K and Kindergarten Readiness Assessment (post-test); • Mississippi Academic Assessment Program (MAAP) and MAAP-Alternate (MAAP-A) English Language Arts, Mathematics and Science – Grades 3 - 8 and High School End-of-Course; • U.S. History; • Statewide sponsored administration of the ACT for 11th graders; • English Language Proficiency Test (ELPT); and • Career Planning and Assessment System (CPAS). |

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| <p>Instructional Management System & Literacy Based Promotion Act</p> <p>Miss. Code Ann. § 37-177-1 through 21</p> <p>Miss. Admin. Code 7-3: 41.1, State Board Policy Chapter 41, Rule 41.1</p> <p>Process Standard 20.2</p> | <p>Process Standard 20.2: The instructional management system includes a tiered instructional model including academic interventions, behavior interventions, and <i>Literacy Based Promotion Act</i> requirements.</p> | <p>On March 19, 2020, during its regularly scheduled meeting, the State Board of Education granted approval to suspend all requirements of the Mississippi Statewide Assessment System for the 2019 – 2020 school year including the 3rd grade Reading assessment as required by the <i>Literacy Based Promotion Act</i>.</p> <p>All students enrolled in Grade 3 in the 2019 – 2020 school year shall be promoted to Grade 4 for the 2020 – 2021 school year if the student meets all other district requirements for promotion.</p> <p>The dyslexia screener that is to be administered to all students during the spring of their kindergarten year will be suspended for the 2019 – 2020 school year.</p> |
| <p>Academic Promotion/ Progression/ Retention of Students & Uniform Grading Policy</p> <p>Miss. Code Ann. §§ 37-11-64 and 37-11-36</p> | <p>Process Standard 21: The district follows an established board policy that defines criteria for the academic promotion/progression/retention of students.</p> | <p>Due to the impact of school closures related to COVID-19, the MDE will suspend citations associated with changing local school board policies mid-year related to the promotion/progression/retention of students or the district’s uniform grading policies.</p> |

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| <p>Miss. Admin. Code 7-3: 2.3, State Board Policy Chapter 2, Rule 2.3</p> <p>Process Standards 21 and 21.1</p> | <p>Process Standard 21.1: The school district implements a uniform grading policy.</p> | <p>The local school board has the authority to amend the local school board policy for the promotion/progression/retention of students (Process Standard 21) and uniform grading policies (Process Standard 21.1). The amendment(s) shall be applied equitably to all students.</p> |
| <p>Student Teacher Ratios</p> <p>Miss. Code Ann. § 37-151-77</p> <p>Mississippi Kindergarten Guidelines</p> <p>Miss. Admin. Code 7-3: 19.1, State Board Policy Chapter 19, Rule 19.1</p> <p>Process Standards 28.1 28.2, 28.3, 28.4, and 28.5</p> | <p>Process Standard 28: Student Teacher Ratios do not exceed the following:</p> <ul style="list-style-type: none"> • Process Standard 28.1 Student teacher ratios do not exceed 22 to 1 in kindergarten, except in instances in which a full-time assistant teacher is in the classroom. If a full-time assistant teacher is employed, 27 may be enrolled. • Process Standard 28.2 Student teacher ratios do not exceed 27 to 1 in classrooms serving grades 1 through 4 unless approved by the State Board of Education. | <p>Requiring districts to respond to notifications of noncompliance of student-teacher ratios during school closures due to the state of emergency produces an undue burden on districts during the emergency closures.</p> <p>The MDE will issue a one-year suspension requiring districts to request waivers to the State Board of Education or the Commission on School Accreditation to comply with student-teacher ratios for Process Standards 28.1, 28.2, 28.3, 28.4, and 28.5 for the 2019 – 2020 school year.</p> |

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| | <ul style="list-style-type: none"> <li data-bbox="716 402 1268 727"> <p>• Process Standard 28.3 Student teacher ratios do not exceed 30 to 1 in self-contained classrooms serving grades 5 through 8. A one-year waiver may be requested for classes that do not exceed more than two (2) students beyond the allowable student teacher ratio.</p> <li data-bbox="716 769 1268 1094"> <p>• Process Standard 28.4 Student teacher ratios do not exceed 33 to 1 in departmentalized academic core classes serving grades 5 through 12. A one-year waiver may be requested for classes that do not exceed more than two (2) students beyond the allowable student teacher ratio.</p> <li data-bbox="716 1136 1268 1416"> <p>• Process Standard 28.5 The total number of students taught by an individual teacher in academic core subjects at any time during the school year shall not exceed 150. A teacher who provides instruction through intra-district or inter-district distance</p> | |

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| | <p>learning or supervises students taking virtual courses will be exempt from the 150-student limitation. A lab facilitator or principal designee will be responsible for the assignment of grades and related activities at the receiving school.</p> | |
| <p>Youth Detention Centers</p> <p>Miss. Code Ann. § 42-21-321</p> <p>Miss. Admin. Code 7-3: 30.6, State Board Policy Chapter 30, Rule 30.6</p> <p>Process Standards 32 and 32.1</p> | <p>Process Standard 32: The school district complies with state statute and State Board of Education policy for education of juveniles in youth detention centers.</p> <p>Process Standard 32.1: Educational requirements of Miss. Code Ann. § 42-21-321 and Miss. Admin. Code 7-3: 30.6, State Board Policy Chapter 30, Rule 30.6</p> | <p>Due to the impact of school closures related to COVID-19, the MDE will suspend citations associated with the education of juveniles in youth detention centers. The educational services provided to youth in detention centers shall be commensurate to the services provided to their peers in the sponsoring school district (i.e. online content or instructional packets) after March 16, 2020, the first date of school closures due to COVID-19, through the date classes resume following the state of emergency.</p> |

Process standard numbers refer to the Process Standards outlined in the *Mississippi Public School Accountability Standards, 2019*. Any waivers granted by the State Board of Education will also be granted as applicable to nonpublic schools accredited by the Mississippi Department of Education.