

OFFICE OF CHIEF ACADEMIC OFFICER
Summary of State Board of Education Agenda Items
May 21, 2020

OFFICE OF ACADEMIC EDUCATION

03. Action: Approval by the SBE to delegate to the State Superintendent of Education or her designee the authority to review and approve plans for summer learning and enrichment measures as required by Governor Tate Reeves' Executive Order 1476 [Goals 1 and 2 – 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, regulation or order 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, and on April 22, 2020, Governor Reeves issued Executive Order 1476, 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.

Executive Order 1476 requires that on or before June 1, 2020, each school district shall submit to the Mississippi State Board of Education for approval its plan for summer learning and enrichment measures necessary to (a) mitigate disruption from the Spring 2020 school closure due to COVID-19 and (b) to enhance learning in preparation for the 2020-2021 academic school year.

It is the recommendation of the MDE that the SBE delegate the authority to timely review and approve these plans to the State Superintendent of Education or her designee.

Upon review and approval, a summary of these plans will be provided to the SBE.

Recommendation: Approval

Back-up material attached

STATE OF MISSISSIPPI

Office of the Governor



EXECUTIVE ORDER NO. 1476

WHEREAS, on March 14, 2020, pursuant to the Constitution of the State of Mississippi and Miss. Code Ann. § 33-15-11(b)(17), I issued a Proclamation declaring that a State of Emergency exists in the State of Mississippi as a result of the outbreak of COVID-19; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary Alex Azar declared a public health emergency for COVID-19 beginning on January 27, 2020, on March 11, 2020, the World Health Organization characterized COVID-19 as a pandemic, and on March 13, 2020, the President of the United States declared a nationwide state of emergency due to the coronavirus COVID-19 pandemic; and

WHEREAS, the worldwide outbreak of COVID-19 and the effects of its extreme risk of person-to-person transmission throughout the United States and Mississippi significantly impacts the life and health of our people, as well as the economy of Mississippi; and

WHEREAS, the risk of spread of COVID-19 within Mississippi constitutes a public emergency that may result in substantial injury or harm to life, health, and property within Mississippi; and

WHEREAS, on March 11, 2020, the Mississippi State Department of Health confirmed the first presumptive case of COVID-19 in Mississippi, and as of April 20, 2020; there are 4,716 presumptive and confirmed cases of COVID-19 in Mississippi; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) guidance for responding to COVID-19 recommends avoiding crowds as much as possible, especially for older adults and individuals with serious chronic medical conditions and Mississippi State Department of Health has recommended avoiding social gatherings where 10 people or more may come into close contact; and

WHEREAS, limiting social interaction between members of the public to minimize the risk of person-to-person transmission includes school age children attending Mississippi public schools who may be in a position to interact and transmit COVID-19 to other individuals, including vulnerable populations of older adults and individuals with serious chronic medical conditions; and

WHEREAS, upon the recommendation of the State Health Officer and in consultation with the Mississippi State Board of Education, the temporary closing of all Mississippi public schools is a necessary measure to cope with the COVID-19 public emergency to minimize the interaction and risk of possible further transmission of COVID-19; and

WHEREAS, when Mississippi school districts close in response to COVID-19 they will need academic flexibility and relief from strict compliance with mandatory testing and accountability in order to achieve completion of essential grade-level instruction for the 2019-2020 academic school year; and

WHEREAS, some Mississippi county and municipal governing authorities have temporarily closed or are operating on limited staffing in response to COVID-19 in order to minimize the interaction and risk of possible transmission of COVID-19 between employees within governmental offices and between governmental employees and members of the public; and

WHEREAS, on March 16, 2020, in order to minimize the risk of possible further transmission of COVID-19 and related measures, I issued Executive Order No. 1458 directing governmental entities including school districts to review and identify which employees perform essential duties to carry out the entity's core functions during the State of Emergency and those employees whose

duties may not be essential during the State of Emergency, and, where feasible, for the entity to determine if core functions and duties could be performed by essential employees from home in order to minimize the interaction and risk of possible transmission of COVID-19 between employees; and

WHEREAS, on March 19, 2020, I issued Executive Order No. 1460 to close public school buildings through April 17, 2020, encourage distance learning or other instructional means to continue public education, and authorizing the Mississippi State Board of Education to take necessary actions in furtherance of the Executive Order, including granting and implementing appropriate flexibility and waivers from mandatory testing and accountability necessary to achieve completion of essential grade-level instruction for the 2019-2020 academic school year; and

WHEREAS, as a result of the disruption from the Spring 2020 school closure due to COVID-19 and the waivers of mandatory testing and accountability to achieve completion of essential grade-level instruction for the 2019-2020 academic school year, in preparation for the 2020-2021 academic school year it is necessary to take additional steps to mitigate the disruption to the 2019-2020 academic school year and to enhance learning in preparation for the new academic school year.

NOW, THEREFORE, I, Tate Reeves, Governor of the State of Mississippi, by the authority vested in me by the Constitution and laws of the State of Mississippi, including Miss. Code Ann. § 33-15-11(c)(1) do hereby order and direct as follows:

1. This Executive Order shall supplement and amend Executive Order No. 1460 and shall be effective from and after April 18, 2020, unless modified, amended, rescinded, or superseded.
2. That, due to the COVID-19 emergency and extreme risk of person-to-person transmission, in order to minimize the interaction and risk of further transmission of COVID-19, pursuant to Miss. Code Ann. §§ 33-15-11(c)(1) & (4) all Mississippi public school buildings shall remain closed to the public through the remainder of the 2019-2020 academic school year. Distance learning or other instructional means necessary for students to achieve completion of essential grade-level instruction for the 2019-2020 academic school year shall continue.
3. While public school buildings are closed to the public in response to the COVID-19 emergency, each school district shall continue to operate with essential faculty and staff, whether working from home or in the workplace following the guidance of the Mississippi State Department of Health including appropriate social distancing and hygiene, who are necessary to carry out essential functions including all federally required programming and the development and implementation of distance learning or other instructional means necessary for students to achieve completion of essential grade-level instruction for the 2019-2020 academic school year and, where feasible, to maintain sufficient staffing for preparation and transportation in order to continue to provide free and reduced meals to eligible students within their respective districts.
4. That, due to the extreme risk of person-to-person transmission and necessary duration of school closures, strict compliance with the 10-day limitation on per pupil funds paid to Mississippi school districts from the State Department of Education established in Miss. Code Ann. § 37-13-63(2) would prevent and hinder the implementation of necessary closure of Mississippi public schools and other measures necessary to cope with the COVID-19 emergency. Accordingly, pursuant to Miss. Code Ann. §33-15-11(c)(1), the 10-day limitation provision is temporarily suspended and the payment of such per pupil funds shall be calculated and paid concurrent with the duration of school closures as recommended by the State Health Officer and ordered by this Executive Order.
5. On or before June 1, 2020, each school district shall submit to the Mississippi State Board of Education for approval its plan for summer learning and enrichment measures necessary to (a) mitigate disruption from the Spring 2020 school closure due to COVID-19 and (b) to enhance learning in preparation for 2020-2021 academic school year.
6. That, pursuant to Miss. Code Ann. §§ 33-15-31, 33-15-11(b)(9), and 33-15-11(c)(1), the Mississippi State Board of Education is authorized and empowered to suspend the

provisions of any regulatory statutes and to make, amend, and rescind such orders, rules, and regulations that it deems necessary to assist Mississippi public schools to cope with the COVID-19 emergency including:

- a. Granting and implementing appropriate flexibility and waivers from mandatory testing and accountability necessary to achieve completion of essential grade-level instruction for the 2019-2020 academic school year, and
 - b. Reviewing, approving and enforcing each school district's plan for summer learning and enrichment measures to (a) mitigate disruption from the Spring 2020 school closure due to COVID-19 and (b) to enhance learning in preparation for 2020-2021 academic school year. The Mississippi State Board of Education shall provide to the Office of the Governor a summary of each school district's approved plan for summer learning and enrichment measures.
7. Due to the waivers granted by the Mississippi Department of Education to the school districts from mandatory testing and accountability, districts shall demonstrate to the Mississippi Department of Education that they are continuing the process of grading and evaluating student progress as previously published in their academic calendars.
 8. That any federal waivers issued in response to the COVID-19 emergency may be adopted and implemented by Mississippi school districts.
 9. That all departments, commissions, agencies, institutions, and boards of the State of Mississippi, political subdivisions thereof, counties, municipalities and school districts are authorized and directed to cooperate in actions and measures taken in response to COVID-19 during the State of Emergency.

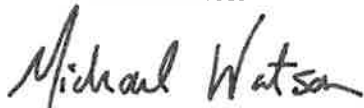
IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Mississippi to be affixed.

DONE in the City of Jackson, on the 22ND day of April, in the year of our Lord, two thousand and twenty, and of the Independence of the United States of America, the two hundred and forty-fourth.


TATE REEVES
GOVERNOR



BY THE GOVERNOR



MICHAEL WATSON
SECRETARY OF STATE