

OFFICE OF CHIEF ACCOUNTABILITY OFFICER
Summary of State Board of Education Agenda Items
July 16, 2020

OFFICE OF ACCOUNTABILITY
OFFICE OF ACADEMIC EDUCATION

01. Action: Approval by the SBE to suspend strict compliance with specific state statutes and State Board of Education Policy for the 2020 – 2021 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 in accordance with Miss. Code Ann. §§ 33-15-31, 33-15-11(b)(9) and 33-15-11(c)(1) and submit a waiver request to the United States Department of Education (ED) under the Elementary and Secondary Education Act (ESEA) [Goal 4 – MBE Strategic Plan]

Background Information: Annual personnel appraisal data is collected and reported in accordance with 20 U.S.C. § 6311(b) (§ 1111(b) of the ESEA), Miss. Code Ann. §§ 37-3-46(b) and 37-7-301 and Miss. Admin. Code 7 – 3: 14.19, State Board of Education Policy Chapter 14, Rule 14.19, and Process Standard 3 of the *Mississippi Public School Accountability Standards, 2019*.

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, 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.

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

Since March of 2020, the SBE has granted waivers and/or suspensions of state statutes, SBE policies, and process standards for the 2019 – 2020 school year as a result of the impact of COVID-19.

On March 20, 2020, the MDE submitted an expedited waiver to 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. The MDE received formal approval from ED on March 27, 2020. ED has not issued any additional waivers related to assessment and accountability requirements for the 2020 – 2021 school year. The MDE will adhere to all federal assessment, accountability, and reporting requirements for the 2020 – 2021 school year.

As a result of the ongoing impact of COVID-19, it is the recommendation of the MDE that the SBE suspend strict compliance with specific state statutes, State Board of Education Policy, and Process Standard 3 of the *Mississippi Public School Accountability Standards, 2019* for the 2020 – 2021 school year related to the personnel appraisal system. Specifically,

- Miss. Code Ann. § 37-3-46(b)
- Miss. Code Ann. § 37-7-301
- Miss. Admin. Code 7-3: 14.19, State Board of Education Policy Chapter 14, Rule 14.19, and
- Process Standard 3 of the *Mississippi Public School Accountability Standards, 2019*.

The request for the proposed suspension as outlined above is necessary at this time to allow districts flexibility within the development of re-entry plans and class scheduling for the 2020 – 2021 school year. This flexibility will allow the districts to comply with the current Mississippi Department of Health (MSDH) and the Center for Disease Control (CDC) guidelines as a result of the ongoing impact of COVID-19 to ensure the health and safety of all staff and students.

The proposed suspension will apply to the federal and state statutes, State Board of Education Policy and Process Standard 3 that outlines the requirements of the Personnel Appraisal System. Additionally, this suspension will remove sanctions for districts failing to adhere to the reporting guidelines of the Educator and Administrator Professional Appraisal System for the 2020 – 2021 school year.

Additionally, the MDE requests approval from the SBE to submit a waiver to 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 the reporting of annual employee performance data for the 2020 – 2021 school year.

To ensure districts are aware of their continued responsibility, the MDE will provide additional guidance to districts regarding the approval and parameters of any waivers and suspensions approved by the SBE for the 2020 – 2021 school year.

This item references Goal 4 of the *Mississippi Board of Education 2018 – 2022* Strategic Plan.

Recommendation: Approval

Back-up material attached

**Rule Suspensions Pursuant to Miss. Code Ann. §§ 33-15-31, 33-15-11(b)(9) and 33-15-11(c)(1)
Executive Orders 1460 and 1476
School Years 2019 – 2020 and 2020 – 2021 Related to COVID-19 (Coronavirus)**

Statutes and/or Regulation(s)	Rule	Proposed Suspension and/or Revisions of Rules
<p>Personnel Appraisal System</p> <p>20 U.S.C. § 6311(b) (§11111(b) of ESEA)</p> <p>Miss. Code Ann. §§ 37-3-46(b) and 37-7-301</p> <p>Miss. Admin. Code 7 – 3: 14.19, State Board Policy Chapter 14, Rule 14.19</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:</p> <p>The school district implements an annual, formal personnel appraisal system for licensed staff that includes assessment of employee on-the-job performance.</p>	<p>On March 26, 2020, during its regularly scheduled meeting, the State Board of Education issued a one-year suspension of the requirement for districts to submit annual employee performance data for the 2019 – 2020 school year via SharePoint.</p> <p>The suspension removed 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 were not required to attend the MDE-approved Professional Growth System (PGS) training for the 2019 – 2020 school year. However, it was recommended that districts attend future PGS training in preparation for the upcoming school years in which Process Standard 3 is reinstated.</p> <p>Districts electing to submit annual personnel performance data for the 2019 – 2020 school year were provided the instructions and timelines for the submission of data for the 2019 – 2020 school year.</p>

**Rule Suspensions Pursuant to Miss. Code Ann. §§ 33-15-31, 33-15-11(b)(9) and 33-15-11(c)(1)
 Executive Orders 1460 and 1476
 School Years 2019 – 2020 and 2020 – 2021 Related to COVID-19 (Coronavirus)**

Statutes and/or Regulation(s)	Rule	Proposed Suspension and/or Revisions of Rules
		<p>The MDE requests an additional one-year suspension of the requirement for districts to submit annual employee performance data for the 2020 – 2021 school year via SharePoint.</p> <p>The suspension removes sanctions for districts failing to adhere to the reporting guidelines of the Educator and Administrator Professional Appraisal System for the 2020 – 2021 school year.</p> <p>The MDE continues to recommend that districts attend future PGS training in preparation for the upcoming school years in which Process Standard 3 is reinstated.</p> <p>The MDE will submit a waiver to the United State 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 the reporting of annual employee performance data for the 2020 – 2021 school year.</p>