

OFFICE OF CHIEF ACCOUNTABILITY OFFICER
Summary of State Board of Education Agenda Items
February 25, 2021

OFFICE OF ACCOUNTABILITY
OFFICE OF ACADEMIC EDUCATION

03. Action: Approval by the SBE to suspend strict compliance with specific state statutes, State Board of Education policies, manuals, and process standards 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) [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. 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 because of COVID-19, such as statewide school closures that occurred during the latter portion of the 2019 – 2020 school year and throughout the 2020 – 2021 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, 2020* and *Mississippi Nonpublic School Accountability Standards, 2020*.

Throughout the Spring and Fall of 2020 the SBE approved multiple waivers, rule suspensions, and deadline extensions as a result of the impact of COVID-19 (coronavirus) on school districts during the 2019 – 2020 and 2020 – 2021 school years. Among those included waivers 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 the submission and approval of a waiver request to the United States Department of Education (ED) as provided for in the Elementary and Secondary Education Act

(ESEA). The SBE also granted additional waivers, rule suspensions, and deadline extensions of multiple state laws, SBE policies, and process standards for the 2019 – 2020 and 2020 – 2021 school years as a result of the impact of COVID-19 to allow districts flexibility with the development of re-entry plans and class scheduling for the 2020 – 2021 school year. This flexibility allowed districts to comply with the current Mississippi State Department of Health (MSDH) and the Center for Disease Control (CDC) guidelines related to COVID-19 to ensure the health and safety of all staff and students.

ED has not issued a waiver of assessment requirements for the 2020 – 2021 school year. All state and federal assessments will be administered during the 2020 – 2021 school year. However, due to the ongoing impact of COVID-19 during the 2020 – 2021 school year, the MDE is recommending the SBE suspend strict compliance with additional state statutes State Board of Education policies, manuals, and process standards for the 2020 – 2021 school year as outlined in items 03.A., 03.B., 03.C., 03.D., and 03.E.

To ensure districts are aware of their continued responsibilities, 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 Goals 1, 2, 3, 4, 5, and 6 of the *Mississippi Board of Education 2018 – 2022 Strategic Plan*.

Recommendation: Approval

Back-up material attached

03.A. Action: Approval by the SBE to suspend strict compliance with specific state statutes, State Board of Education policies, manuals, and process standards for the 2020 – 2021 school year as it relates to Third Grade English Language Arts/Reading Assessment, 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) [Goals 1, 2, 3, 4, 5, and 6 – MBE Strategic Plan]

All state and federal assessments within the Mississippi Statewide Assessment System will be administered during the 2020 – 2021 school year.

The MDE is recommending suspension of the reporting requirements for the Mississippi Statewide Assessment and Retention information for school districts as required by the Literacy-Based Promotion Act. Districts will still be required to document interventions and supports for struggling students and communication with parents.

It is the recommendation of the MDE that the SBE suspend strict compliance with specific requirements within the following state statutes, or policies, manuals, and process standards for the 2020 – 2021 school year:

- Instructional Management System and Literacy Based Promotion Act: Miss. Code Ann. §§ 37-177-1 through 21
- Miss. Admin. Code 7-24: *Mississippi Public School Accountability Standards, 2020*
- Process Standard 20.2: Instructional Management System and Literacy Based Promotion Act requirements

- 03.B. Action: Approval by the SBE to suspend strict compliance with specific state statutes, State Board of Education policies, manuals, and process standards for the 2020 – 2021 school year as it relates to the Early Learning Collaborative Act, Miss. Code Ann. § 37-21-51 (3)(c)(iv) 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) [Goals 3 and 4 – MBE Strategic Plan]

The Early Learning Collaborative Act requires the MDE to evaluate the effectiveness of each early childhood collaborative and each prekindergarten provider. The MDE adopted a statewide kindergarten screening that assesses the readiness of each student for kindergarten and established a minimum rate of readiness for each prekindergarten provider to meet to remain eligible for prekindergarten program funds.

The MDE is recommending an additional one-year suspension of the Effectiveness Evaluation Plan for the 2020 – 2021 school year for Early Learning Collaboratives. Programs will continue to conduct student assessments, but not the CLASS observation. Grantees shall remain eligible for funding in the 2021 – 2022 school year.

The MDE is recommending an additional one-year suspension of the instructional time requirement and student membership requirement for reimbursement of Early Learning Collaboratives.

It is the recommendation of the MDE that the SBE suspend strict compliance with specific requirements within the following state statutes, or policies, manuals, and process standards for the 2020 – 2021 school year:

- Early Learning Collaborative Act: Miss. Code Ann. § 37-21-51
- Process Standard 17.2: *Early Learning Guidelines for Classrooms Serving Three- and Four-Year Old Children*

03.C. Action: Approval by the SBE to suspend strict compliance with specific state statutes, State Board of Education policies, manuals, and process standards for the 2020 – 2021 school year as it relates to the administration of a Cursive Writing assessment, 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) [Goals 1, 2, 3, 4, 5, and 6 – MBE Strategic Plan]

The MDE is recommending an additional one-year suspension of the cursive writing assessment requirements.

It is the recommendation of the MDE that the SBE suspend strict compliance with specific requirements within the following state statutes, or policies, manuals, and process standards for the 2020 – 2021 school year:

- Cursive Writing Assessment: Miss. Code Ann. § 37-13-10

03.D. Action: Approval by the SBE to suspend strict compliance with specific state statutes, State Board of Education policies, manuals, and process standards for the 2020 – 2021 school year as it relates to the Mississippi Speech-Language Therapy Scholarship for Students with Speech-Language Impairment Program (Nate Rogers Scholarship for Students with Disabilities Program), 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) [Goals 1, 2, 3, 4, 5, and 6 – MBE Strategic Plan]

The MDE is recommending an additional one-year suspension of the requirement for continued attendance at a physical school location for the 2020 – 2021 school year.

It is the recommendation of the MDE that the SBE suspend strict compliance with specific requirements within the following state statutes, or policies, manuals, and process standards for the 2020 – 2021 school year:

- Mississippi Speech-Language Therapy Scholarship for Students with Speech-Language Impairment Program (Nate Rogers Scholarship for Students with Disabilities Program): Miss. Code Ann. § 37-175-1 et seq.

03.E. Action: Approval by the SBE to suspend strict compliance with specific state statutes, State Board of Education policies, manuals, and process standards for the 2020 – 2021 school year as it relates to the Mississippi Dyslexia Therapy Scholarship for Students with Dyslexia Program 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) [Goals 1, 2, 3, 4, 5, and 6 – MBE Strategic Plan]

The MDE is recommending an additional one-year suspension of the requirement for continued attendance at a physical school location for the 2020 – 2021 school year.

It is the recommendation of the MDE that the SBE suspend strict compliance with specific requirements within the following state statutes, or policies, manuals, and process standards for the 2020 – 2021 school year:

- Mississippi Dyslexia Therapy Scholarship for Students with Dyslexia Program: Miss. Code Ann. § 37-173-1 et seq.

**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>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 26, 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 (LBPA)</i>.</p> <p>For the 2020-2021 school year, the MDE recommends extending the timeline for the administration of the Kindergarten Readiness Assessment and the literacy and numeracy screeners for grade K-3 from 30 school days to 45 school days from the first day of school.</p> <p>For enrollment in the 2020-2021 school year, the MDE recommends a waiver of the requirements to meet and document Good Cause Exemptions (GCEs) and a waiver of LBPA district reporting requirements, as it was not feasible to maintain documentation or administer assessments during the school closure in the spring of 2020. <i>(Approved by the SBE August 27, 2020)</i></p>

*Note: **Black font** represents waivers, rule suspensions, and deadline extensions previously approved by the State Board of Education.
Red font represents recommendations for State Board of Education consideration.*

**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>On March 26, 2020, during its special-called teleconference 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 (LBPA)</i>.</p> <p>All students enrolled in Grade 3 in the 2019 – 2020 school year were to be promoted to Grade 4 for the 2020 – 2021 school year, if the student met all other district requirements for promotion.</p> <p>There has been no waiver of assessment requirements for the 2020 – 2021 school year. All students enrolled in Grade 3 during the 2020 – 2021 school year shall be administered the statewide assessment in English Language Arts/Reading and Mathematics but will not be required to meet the requirements of the LBPA. Therefore, all students enrolled in Grade 3 in the 2020 – 2021 school year shall be promoted to Grade 4 for the 2021 – 2022 school year, if the student meets all other district requirements for promotion. <i>(Approved by the SBE January 21, 2021)</i></p>

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**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 extension of the waiver of LBPA district reporting requirements, as waivers for other LBPA requirements will impact the data needed to report this information for the 2021-2022 school year. Districts will still be required to document interventions and supports for struggling students and communication with parents.</p>
<p>Early Learning Collaborative Act Miss. Code Ann. § 37-21-51</p>	<p>Miss. Code Ann. § 37-21-51 (3)(c)(iv): The department will evaluate the effectiveness of each early childhood collaborative and each prekindergarten provider. If the State Department of Education adopts a statewide kindergarten screening that assesses the readiness of each student for kindergarten, the State Department of Education shall adopt a minimum rate of readiness that each prekindergarten provider must meet in order to remain eligible for prekindergarten program funds.</p>	<p>On April 16, 2020, during its regularly scheduled meeting, the State Board of Education suspended the required Effectiveness Evaluation Plan for the 2019-2020 school year due to the impact of school closures related to COVID-19 and the cancellation of statewide assessments. Grantees shall remain eligible for funding in the 2020 – 2021 school year.</p> <p>The MDE requests an additional one-year suspension of the Effectiveness Evaluation Plan for the 2020 – 2021 school year for Early Learning Collaboratives. Programs will continue to conduct student assessments, but not the CLASS observation. Grantees shall</p>

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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>Miss. Code Ann. § 37-21-51 (3)(d): Prekindergarten program funds shall be awarded to early childhood collaboratives whose proposed programs meet the program criteria. The criteria shall include: (xiii) The number of instructional hours to be provided, which shall equal no less than five hundred forty (540) instructional hours per school year for half-day programs and one thousand eighty (1,080) instructional hours per school year for full-day programs.</p>	<p>remain eligible for funding in the 2021 – 2022 school year.</p> <p>Due to the impact of school closures related to COVID-19, the MDE will allow reimbursement for Early Learning Collaboratives at the full-time and part-time rate for children in the program. Grantees may continue to receive grant funds from March 16, 2020, the first date of school closures due to COVID-19, through the 2019 – 2020 school year.</p> <p>The MDE requests an additional one-year suspension of the instructional time requirement and student membership for Early Learning Collaboratives in the 2020 – 2021 school year. Grantees shall remain eligible for funding in the 2021 – 2022 school year.</p>
<p>Cursive Writing Miss. Code Ann. § 37-13-10</p>	<p>Miss. Code Ann. § 37-13-10: The standard course of study shall include the requirement that the public schools provide instruction in cursive reading and writing, implemented across the curriculum, so that students create readable documents through legible cursive handwriting by the end of the fifth grade, and that students pass with</p>	<p>On May 21, 2020, during its regularly scheduled meeting, the State Board of Education suspended the requirement that students pass with proficiency a teacher-constructed test demonstrating competency in both reading and writing cursive, from March 16, 2020, the first date of school closures due to COVID-19, through the date classes resume following the state of emergency. This test shall be</p>

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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>proficiency a teacher-constructed test demonstrating the students competency in both reading and writing cursive.</p>	<p>suspended for students who would have taken it during the 2019 – 2020 school year based on district practice.</p> <p>The MDE requests an additional one-year suspension of the requirement that students pass with proficiency a teacher-constructed test demonstrating competency in both reading and writing cursive for the 2020 – 2021 school year.</p>
<p>Mississippi Speech-Language Therapy Scholarship for Students with Speech-Language Impairment Program (Nate Rogers Scholarship for Students with Disabilities Program)</p> <p>Miss. Code Ann. § 37-175-1 et seq.</p>	<p>Miss. Code Ann. § 37-175-17(1)(d): To be eligible to participate in the Mississippi Speech-Language Therapy Scholarship for Students with Speech-Language Impairment Program, a nonpublic school must: (d) Maintain in this state a physical location where a scholarship student regularly attends classes.</p>	<p>On April 16, 2020, during its regularly scheduled meeting, the State Board of Education suspended the requirement for continued attendance at a physical school location from March 16, 2020, the first date of school closures due to COVID-19, through the 2019 – 2020 school year.</p> <p>The MDE requests a one-year suspension of the requirement for continued attendance at a physical school location for the 2020 – 2021 school year.</p>
<p>Mississippi Dyslexia Therapy Scholarship for Students with Dyslexia Program</p>	<p>Miss. Code Ann. § 37-173-13(2)(b): The Mississippi Department of Education will disburse payments to nonpublic schools under this program in twelve (12) substantially equal installments. The initial</p>	<p>On April 16, 2020, during its regularly scheduled meeting, the State Board of Education suspended the requirement for continued attendance at a physical school location from March 16, 2020, the first date of</p>

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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
Miss. Code Ann. § 37-173-1 et seq.	<p>payment shall be made after department verification of admission acceptance, and subsequent payments shall be made upon verification of continued enrollment and attendance at the nonpublic school.</p> <p>Miss. Code Ann. § 37-173-17(1)(d): To be eligible to participate in the Mississippi Dyslexia Therapy Scholarship for Students with Dyslexia Program, a nonpublic school must: (d) Maintain in this state a physical location where a scholarship student regularly attends classes.</p>	<p>school closures due to COVID-19, through the 2019 – 2020 school year.</p> <p>The MDE requests a one-year suspension of the requirement for continued attendance at a physical school location for the 2020 – 2021 school year.</p>

Process standard numbers refer to the Process Standards outlined in the current edition of the *Mississippi Public School Accountability Standards*. 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.

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