

**OFFICE OF CHIEF ACCOUNTABILITY OFFICER**  
**Summary of State Board of Education Agenda Items**  
**July 15, 2021**

**OFFICE OF ACCOUNTABILITY**  
**OFFICE OF ACADEMIC EDUCATION**

02. Action: Establish 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]  
(Has cleared the Administrative Procedures Act process with public comments)

Background Information: As a part of Mississippi's 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-day teaching day 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. The Virtual Policy Steering Committee met on May 18, 2021 and May 25, 2021.

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*.

The public comment period was open through 5:00 p.m. July 12, 2021 with public comments received.

Recommendation: Approval

Back-up material attached

**Summary of Administrative Procedures Act (APA) Comments**

**Approval to begin the Administrative Procedures Act (APA) process to establish the following:**

**Miss. Admin. Code 7-3: 9.3, State Board Policy Chapter 9, Rule 9.3 *School-Wide and District-Wide Virtual Learning Days* and State Board Policy Chapter 56, Rule 56.2: *Virtual Students***

The Office of Accountability received the following APA comment(s) regarding approval to begin the Administrative Procedures Act (APA) process to establish the following:

Miss. Admin. Code 7-3: 9.3, State Board Policy Chapter 9, Rule 9.3: *School-Wide and District-Wide Virtual Learning Days* and State Board Policy Chapter 56, Rule 56.2: *Virtual Students*

Summary of Comment	MDE Response
<p><b>(Rule 9.3 and Rule 56.2)</b> I saw the request for parents to express their opinions about virtual learning for make-up days. I, and others I know, would love for that to happen. Nobody wants to change plans they have made in advance for a make-up day. However, I don't believe that Mississippi has gone far enough for the virtual programs. Looking at the research from other states, I have found that many of the largest and best school systems either already had a virtual program in place or have now adopted a virtual program. The advantages of a virtual program begin with keeping children in the public school system. Even the superintendent in MS., Carey Wright, saw enrollment decrease with about 7,600 enroll in home school and 2,300 in private schools each year, and that number is growing. Most of the large school systems say about 1%, or 1,000 at one school, 2,500 at another, are in their virtual programs. The children in that group have widespread reasons for going virtual. Reasons for going virtual:</p> <ul style="list-style-type: none"><li>• Medical reasons such as Autism, ADHD, Chronic illness, Surgeries, and any number of other issues</li><li>• Families want more education in one or more areas that is not or cannot be given in a public school. They can follow the school education but add their family beliefs. Many leave and home school.</li></ul>	<p>The comment is in support of the virtual learning policies.</p> <p>State Board Policy Chapter 56, Rule 56.2 grants districts the authority to establish criteria for students to participate in the virtual learning program. Districts are not required to offer virtual learning options to students. State Board Policy Chapter 56, Rule 56.2 establishes the minimum criteria for districts that offer a virtual learning program.</p>

**Summary of Administrative Procedures Act (APA) Comments**

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**Miss. Admin. Code 7-3: 9.3, State Board Policy Chapter 9, Rule 9.3 *School-Wide and District-Wide Virtual Learning Days* and State Board Policy Chapter 56, Rule 56.2: *Virtual Students***

Summary of Comment	MDE Response
<ul style="list-style-type: none"> <li>• Families moving to the area may feel it would be a better option for virtual to finish the year and start at the school w then adjusted.</li> <li>• Families that move here and see that MS schools are always in the bottom 10% of national measurement and statistics will choose other options.</li> <li>• Families who want to home school can have the best of both worlds, standard curriculum to follow, and help if needed.</li> <li>• Virtual gives the opportunity for more children to get extra help during the school year if needed.</li> <li>• Allows for high school kids who are working to complete school while working.</li> <li>• It gives a way for high school students to take summer classes for credit to ease the load.</li> <li>• Home schoolers would support a virtual hybrid option.</li> <li>• Virtual may help move MS up a few points in the national stats, which in turn may help new business come to MS.</li> </ul> <p>I have a 14 year old Autistic, ADHD boy. He has had a hard time in school, always in trouble, disruptive to teachers and other students, and the whole family has barely survived school. Somehow, he had passing grades. He went to 6th grade and started falling apart at school and at home, became angry, just out of control, and he missed a lot of school. The 7th grade was worse and he went to an inpatient program for help for a month, then outpatient day treatment for 6 weeks. We found that school is his trigger. COVID-19 hit and with virtual school he thrived. He was able to catch up with the concepts he missed the prior two years. By the end he was doing independent work in all subjects except ELA. His therapist and MD all agree that the virtual option is good for him at this time. We then reported this at the IEP meeting at the end of school. Everyone there thinks there will be some kind of virtual learning.</p>	

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Summary of Comment	MDE Response
<p>The plan comes out and it is for medical only, registration was June 14th, and you had to have all medical forms completed, register for virtual and turn everything in no later than June 17<sup>th</sup>. That was a quick timeframe to complete everything and I started early and still had to go to medical offices and jump through hoops to get the papers back to turn in on time. They will let us know if he is approved by July 12th. He already goes to the school for speech and group. This next school year the school wants him to join a gaming club, which we agree. However, the school system is pushing for him to start taking classes soon and become a full-time in-house student. That should not be the school's decision, but of his therapist, MD, himself and parents. If the pushing continues we may be one of the families opting for homeschool as well. Our goal as parents is that learning occurs. We have proof that the virtual setting for our son worked. He is a calmer person in this environment, as is our family. Virtual school should be an option for anyone that needs it, for whatever reason. It's a win, win for the child and parents, and also a win for the schools in keeping the child in the system.</p>	
<p><b>(Rule 56.2)</b> I agree with in-person schooling as primary teaching mode. I am also happy to see that virtual schooling can be offered. For our middle and high school students, I believe this option increases their opportunities for acceleration for those who are behind, and this option will increase graduation rates when older students have more flexibility.</p> <p>For too long, students have been held to rigid timelines, and the only option was to be homeschooled or find a private school. I love the fact that public education can now think about many alternatives</p>	<p>The comment is in support of the virtual learning policies.</p>

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<p>for students that meet their immediate needs as far as time and space. I look forward to the day when even more flexibility can be initiated and students can gain graduation units by proving mastery, not by hours in the classroom. Public school is so important - a free education is a must. I hope we begin to see our opportunities at this time as a blank canvas that can be painted in three-dimensional wonders rather than cookie-cutter precision. We've preached for years differentiation. Now is the time to implement these beliefs.</p>	
<p><b>(Rule 9.3 and Rule 56.2)</b>                      The recent decision of the steering committee appointed to establish new rules within Proposal 9.3, as well as language in Proposal 56, has caused some trepidation here in the Lauderdale County School District and with other colleagues I have spoken to in our state.</p> <p>As school calendars were created with the spirit of Virtual Learning not going away our district created a calendar via a very methodical approach. This calendar allowed us to reestablish norms as much as possible but also establishing days for virtual learning to be continued and practiced throughout the year. In our estimation, this provided the best approach to continue to grow our academic capabilities with various modes of delivery to meet the needs of nontraditional students and families. The proposed policies seem to extremely limit local discretion and controls on how best to do this. Please note the bullet points below at my attempt to convey my concerns:</p> <ul style="list-style-type: none"> <li>• The proposed 9.3 policy seems to eliminate all blended &amp; virtual options; this will cause more students to remain homeschooled and not return to traditional K12 settings</li> </ul>	<p>State Board Policy Chapter 9, Rule 9.3 addresses school-wide and district-wide virtual learning days. Refer to State Board Policy Chapter 56, Rules 56.1 and 56.2 for virtual learning options for individual students. Rule 56.2 does not remove the options available to students outlined in Rule 56.1.</p> <p>Miss. Code Ann. § 37-13-67 mandates “The number of hours of actual teaching which shall constitute a school day shall be determined and fixed by the board of trustees of the school district at not less than five and one-half (5-½) hours.”</p> <p>A student may only be counted present if he or she is logged in and participate in synchronous instruction.</p> <p>The option for asynchronous instruction is not eliminated. However, any asynchronous instruction must be outlined in the teacher’s lesson plans and must be combined with synchronous instruction.</p> <p>State Board Policy Chapter 56, Rule 56.2 prevents districts from utilizing 100% asynchronous instruction as teachers are not</p>

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<p>where some parents have found a better option for their students.</p> <ul style="list-style-type: none"> <li>Virtual Days should not be considered useful only "when the need arises"...if we don't practice, we will lose the skill. (Recommend/consider up to 10 Virtual Learning Days either planned or emergency related). We did invest billions in devices and LMS programs to assist in virtual learning.</li> <li>Another item we find problematic is "The districts shall ensure that virtual learning days include the minimum 330 minutes of actual teaching"...Define teaching. Is this based on anticipated assignment completion time or face-to-face interaction?</li> <li>"Teachers shall provide instruction to a student during each virtual learning day. Therefore, lesson plans shall include daily synchronous/interactive instruction and dialogue." The word "shall" carry strong indications and/or expectations. Does this mean asynchronous instruction such as those embedded in CANVAS within a district or from online providers such as Booneville Virtual/Edgenuity/Edmentum are now obsolete and/or .2out of proposed compliance?</li> <li>In the event of the affirmative of the preceding question, how would this affect absenteeism? Students out sick using virtual learning under Rule 56.1 could be marked present if assignments are completed synchronously?</li> </ul> <p>Other languages in the proposal we view as problematic..."Have access to the assigned teacher including any special services teachers/providers during the scheduled time for each course?" Again, this seems to eliminate an asynchronous option to completing assignments for students; this level of expectation</p>	<p>teaching 5½ hours (330 minutes) as required by Miss. Code Ann. § 37-13-67.</p> <p>However, State Board Policy Chapter 9, Rule 9.3 allows students who have been identified as not having internet access, to participate asynchronously during designated school-wide or district-wide virtual learning days, provided that the instruction is equivalent to his/her peers.</p> <p>If a district's local policy prohibits students from taking devices home, the district will be unable to utilize designated school-wide or district-wide virtual learning days as described in State Board Policy Chapter 9, Rule 9.3.</p> <p>State Board Policies Chapter 9, Rule 9.3 and Chapter 56, Rule 56.2 will eliminate the hybrid (a combination of virtual and traditional instructional mode) option.</p> <p>Miss. Code Ann. § 37-13-63 mandates that Mississippi public schools have a minimum of 180 days of teaching.</p> <p>Process Standard 13 of the current edition of the <i>Mississippi Public School Accountability Standards</i> mandates that both students and teachers are present for scheduled classroom instruction during the minimum of 180 days.</p> <p>All process standards outlined in the current edition of the <i>Mississippi Public School Accountability Standards</i> shall apply to both students and teachers for virtual learning. Examples include, but are not limited to, ensuring teachers are evaluated using the Professional Growth System (Process Standard 3) and ensuring</p>

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<p>would surpass the current level of in-person needs being met in the traditional setting.</p> <p>Districts "shall not use virtual learning days for testing." Again, this seems to eliminate any hybrid or asynchronous option where students reported to school on alternate days to complete testing.</p> <p>Will MDE audits of process standards for virtual learning be the same for teacher evaluations? How? It seems very unlikely that the virtual practitioner could/would be expected to be evaluated using the same tool or metrics.</p> <p>"A district shall ensure students, parents, and staff are notified in advance of any virtual learning day" but in the same proposal says " in the event of unplanned/unforeseen circumstances, districts may opt to utilize designated virtual learning days..."How can it be both? This language seems to contradict other provisions.</p> <p>"Have alternate plans in place 'only' for individual students who do not have access to internet services?" What about early primary grades who perform better with paper packets or are not allowed to take devices home? Or a parent with the internet but prefers paper packs due to a lack of proficiency or student/parent disability? Again, this seems to eliminate local control and best practices identified by the LEA.</p> <ul style="list-style-type: none"> <li>o "Districts shall provide sufficient notice (at least one day) to staff and students for any weather-related or other unforeseen virtual days?" From the practitioner's viewpoint, this is simply unrealistic. If lessons, courses, and assignments are prepared and ready in an LMS and schools/teachers can find creative solutions to create a</li> </ul>	<p>teachers adhere to the district's instructional management plan (Process Standard 20).</p> <p>State Board Policy Chapter 9, Rule 9.3 does not require a 24-hour notice. To clarify the intent of the requirement for advanced notice, the MDE is recommending revising the language to "before the close of the prior school day." The intent of the requirement is to allow districts ample time to issue devices to the students.</p> <p>If districts do not have sufficient time to ensure students have devices to take home, the district shall consider using any weather-related school closures as a weather day allowed by Miss. Code Ann. § 37-13-64 and local board policies.</p> <p>The MDE is currently implementing the <i>Mississippi Connects</i> initiative to provide devices, connectivity, professional development, coaching, and content to students and teachers across the state.</p> <p>State Board Policy Chapter 56, Rule 56.2 grants districts the authority to establish criteria for students to participate in the virtual learning program. Districts are not required to offer virtual learning options to students. State Board Policy Chapter 56, Rule 56.2 establishes the minimum criteria for districts that offer a virtual learning program.</p>

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<p>learning experience with planned lessons "in the event of" such situations, then this is creating more obstacles for LEAS to innovate and pursue other means of educating students when unplanned events quickly develop and disrupt to the normal school day. As it is stated, we must inform stakeholders 24 hours prior, but again this seems unrealistic in many situations.</p> <ul style="list-style-type: none"><li>o In proposal 56.2, "districts that opt to offer a virtual learning option to individual students shall ensure that the virtual learning day includes the minimum 330 minutes of actual teaching as required by Miss. Code Ann. 5 37-13-67. Teachers shall provide actual instruction to students during each virtual learning day and may not utilize asynchronous learning only." This will have a major impact on new required courses such as the Computer Science programs being required. Again, this will put extreme pressure on our teacher shortage crisis facing many MS LEAS.</li><li>o Again, in proposal 56.2, "further, in keeping with comparable services afforded students in alternative education, students remanded to alternative school campuses for disciplinary offenses or participation in high school equivalency coursework shall be presented face-to-face instruction from certified instructors in core subject areas unless the district offers a virtual option, as referenced above, to all students." Again, this seemingly will eliminate our virtual options currently being utilized via vendors and MOCA approved applications to provide asynchronous platform delivery with facilitated support from certified and non-certified personnel. This will be a huge expense to LEAS and will also negatively impact the teacher shortage we are already facing in some districts. Would such a proposal also contradict DE/DC</li></ul>	



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Summary of Comment	MDE Response
<p>opportunities for high school students completing asynchronous courses?</p> <p>Furthermore, the MDE/SEA response to the USDE in using Elementary and Secondary School Emergency Relief Fund seems to totally diverge away from original language and spirit versus the proposals in 9.3 and 56.2.</p> <p>"The Mississippi Department of Education intends to support technological capacity and access — including hardware and software, connectivity, and instructional expertise — to support remote learning within school districts, through activities such as the development and deployment of guidance and professional learning opportunities for teachers focused on best practices in instructional technology integration, distance learning instructional approaches, and learning management systems. Professional development opportunities will include a focus on how districts how can serve students experiencing homelessness, foster care youth, English learners, children with disabilities, racial and ethnic minorities, and low- income students. The SEA also intends to support remote learning by developing new informational and academic resources and expanding awareness of, and access to, best practices and innovations in remote learning and support for students, families, and educators, through activities such as the incentivization of distance learning models and training for various stakeholder groups on learning management systems."</p> <p>As provided, the language used in both proposals seems to force districts to take a step back and limit innovation and home rule and weakening discernment from LEAS. If passed as is, there will be</p>	

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<p>extreme pressures applied to local district's budgets as innovative means of delivering instructional content will not be allowed; especially in an alternative school and in-school suspension programs, where the population can range widely from grade to numbers daily. These recommendations, although well-intentioned, seem to need some "tweaking" for LEAS to continue to innovate and not be burdened with new financial constraints. The actions of a few "bad actors" seems to be driving the proposals at hand and not what is best for the future of public education in Mississippi.</p>	
<p><b>(Rule 9.3 and Rule 56.2)</b> I have a concern with the virtual days and the requirements.</p> <p>Just as an FYI we have tried to remain in school as much as possible and believe face to face instruction is the best form of learning. We did not take the 10 days late start and began an A/B in person schedule in August. At Labor Day we went to 4 days a week. We left 1 day as virtual to work with our students who were out due to quarantine (upon their return), have those who choose virtual full time come in for assistance, testing, and services, and allow our teachers to create virtual work. We believed in school was best and pushed to remain that way. However, outbreaks and ongoing individual quarantines throughout the year means approximately one-third of my entire district missed at least 2 weeks of instruction.</p> <p>We are a rural district and virtual "live" instruction is literally not possible in some areas of our district. Not including those who cannot afford even reasonable internet options. (Ex = I personally</p>	<p>State Board Policy Chapter 56, Rule 56.2 grants districts the authority to establish criteria for students to participate in the virtual learning program. Districts are not required to offer virtual learning options to students. State Board Policy Chapter 56, Rule 56.2 establishes the minimum criteria for districts that offer a virtual learning program which includes reliable connectivity.</p> <p>The intent of the virtual learning policies is to ensure districts provide daily synchronous instruction, access to the assigned teacher(s), asynchronous assignments (if applicable), and instruction that is equivalent to in-person learning.</p> <p>State Board Policy Chapter 56, Rule 56.2 prevents districts from utilizing 100% asynchronous instruction as teachers are not teaching 5½ hours (330 minutes) as required by Miss. Code Ann. § 37-13-67.</p> <p>However, State Board Policy Chapter 9, Rule 9.3 allows students who have been identified as not having internet access, to</p>

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Summary of Comment	MDE Response
<p>know one family that has used 3 service providers hot spots and 2 different satellite companies and is unable to get quality video service.)</p> <p>I feel that these strict requirements while still requiring us to send students and staff home will be a detriment to learning. We knew internet service was not optimal in our district and made lessons based on that fact. All students have a Chromebook and we purchased over 4,000 USB drives to record lessons and save documents for them to take home if needed. Only using virtual "live" lessons to count a student as virtual is not fair or possible in all districts, but particularly those of us serving rural areas.</p>	<p>participate asynchronously during designated school-wide or district-wide virtual learning days, provided that the instruction is equivalent to his/her peers.</p>
<p><b>(Rule 9.3)</b> This proposed policy requires at least one day's notice for unforeseen virtual days.</p> <p>Due to the nature of pandemics and weather, it is almost impossible to give a day notice. We may have students that test positive or have close contact that we discover at the end of the school day. Those students won't be allowed to return the next day. Therefore, a day's notice is impossible.</p> <p>Additionally, the weather is unpredictable. We often make decisions at the end of the day or the morning of...depending on the changing pattern. It is difficult to give a "day's" notice in these circumstances.</p> <p>The second paragraph.... In the event of unplanned events.... seems to contradict the notification requirements. Also, for students</p>	<p>State Board Policy Chapter 9, Rule 9.3 applies to school-wide and district-wide closures, not to individual students who must convert to virtual learning based on the criteria outlined in the local district policy. State Board Policy Chapter 56, Rule 56.2 would apply to individual students and does not require the advance notice.</p> <p>State Board Policy Chapter 9, Rule 9.3 does not require a 24-hour notice. To clarify the intent of the requirement for advanced notice, the MDE is recommending revising the language to "before the close of the prior school day." The intent of the requirement is to allow districts ample time to issue devices to the students.</p>

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<p>who don't have internet, how will teachers meet the 330 minutes of actual teaching with daily synchronous instruction and dialogue?</p>	
<p><b>(Rule 9.3 and Rule 56.2)</b>            I have considerable concerns about the options being placed before the board School-Wide and District-Wide Virtual Learning Days. The areas of concern are listed below:</p> <p>This recommendation being brought before you today will basically mandate that any learning, not on site become "synchronous" meaning in real time. With the internet access being less than stellar throughout much of the state, this is not possible. While many families have internet connectivity, the speeds and data amount that is required for streaming video and audio is much higher and therefore would make it impossible for a large portion of the students in the state. This would make it impossible for most of the districts throughout the state.</p> <p>The recommendation also references 330 minutes of "teaching." We have measured instruction through the archaic mechanism of "seat time" with little definition on what the actual teaching is. Teachers provide direct instruction, small group instruction, focused multi-tiered interventions, group and individual practice work, student assessment and other methods to instruct and grow student achievement. We have also employed a tool known as homework for additional practice for students. To require that a time limit be met of student/teacher interaction to meet the amount of seat time through this medium, would be misguided.</p>	<p>State Board Policy Chapter 56, Rule 56.2 prevents districts from utilizing 100% asynchronous instruction as teachers are not teaching 5½ hours (330 minutes) as required by Miss. Code Ann. § 37-13-67.</p> <p>However, State Board Policy Chapter 9, Rule 9.3 allows students who have been identified as not having internet access, to participate asynchronously during designated school-wide or district-wide virtual learning days, provided that the instruction is equivalent to his/her peers.</p> <p>Miss. Code Ann. § 37-13-67 mandates "The number of hours of actual teaching which shall constitute a school day shall be determined and fixed by the board of trustees of the school district at not less than five and one-half (5-½) hours."</p> <p>The MDE is currently implementing the <i>Mississippi Connects</i> initiative to provide devices, connectivity, professional development, coaching, and content to students and teachers across the state.</p>

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<p>This move will also render moot the incredible amount of funding that was expended to purchase student devices during the 2020-21 school year, along with the supplemental software and supporting materials, and the countless hours that our teachers and building level administrators spent adjusting instruction to include virtual options. This will give further credence to the public questioning our inability to spend taxpayer funds efficiently and effectively. I also am concerned about the demoralization of our faculty and staff who worked so hard to provide this option for our students and community during the incredibly challenging year we just endured.</p>	
<p><b>(Rule 9.3 and Rule 56.2)</b>            I would like to offer comments on the virtual days. My only suggestion is to allow school districts flexibility during state testing to allow non testing students to be distance learners. These days can be preplanned ensuring effective instruction and accountability for student learning. The testing environment was much more focused with only testers on campus. We did not have to solicit multiple community volunteers for many days to proctor the tests because we could use teachers already on campus. In a big school, as I was for 12 years previously, this is a daunting task for testing coordinators. The pandemic and fears made it even harder to find outside volunteers. We can even schedule the virtual learning to be synchronous.</p> <p>Every principal across the state with whom I've spoken has mentioned how much more effective testing was this year because those students were the only ones on campus. The entire campus (teachers, students, admins, families) knew the priority of the day</p>	<p>State Board Policies Chapter 9, Rule 9.3 and Chapter 56, Rule 56.2 will eliminate the hybrid (a combination of virtual and traditional instructional mode) option.</p>

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<p>was tests. There were no disruptions. As our state continues to make positive strides in our accountability scores in comparison to the nation, I strongly believe this can be very beneficial to us.</p>	
<p><b>(Rule 9.3 and Rule 56.2)</b>                      The MDE’s Office of Teaching and Leading has received inquiries from local district leaders and other education stakeholders, regarding licensure requirements for teachers that provide instruction via virtual learning platforms.</p>	<p>Miss. Code Ann. § 37-9-7 states, “It shall be unlawful for any superintendent, principal or teacher to be employed or contracted with to teach or serve in any of the public schools of this state who does not hold a proper license as required by the State Board of Education.” Therefore, any individual providing direct instruction and assigning grades to students, shall be properly licensed and endorsed in accordance with Process Standard 2 of the current edition of the <i>Mississippi Public School Accountability Standards</i>, regardless of the mode of instructional delivery.</p>
<p><b>(Rule 9.3)</b>                      The only virtual days that I believe should be utilized are during the state assessment window. My school utilized virtual days for certain grades as we tested one particular grade level. This allowed me to utilize staff on my campus and I did not have to bring in any volunteers to help proctor the assessments. Using the current certified staff on my campus allowed us to have two certified teachers in the classroom while the assessment was being given plus reducing the number of outside people around the students. The school is a very large school, and we have difficulty finding enough people to help proctor the assessment. Allowing grades to be virtual during the assessment window will be a valuable asset for us.</p>	<p>State Board Policies Chapter 9, Rule 9.3 and Chapter 56, Rule 56.2 will eliminate the hybrid (a combination of virtual and traditional instructional mode) option.</p>
<p><b>(Rule 56.2)</b>                      (Alternative School)</p>	<p>State Board Policy Chapter 9, Rule 9.3 addresses school-wide and district-wide virtual learning days.</p>

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Summary of Comment	MDE Response
<p>I would recommend allowing schools (especially those that do not have a separate alternative center with a full staff) to continue to be able to offer live streaming from the teacher to those students.</p>	<p>Refer to State Board Policy Chapter 56, Rules 56.1 and 56.2 for virtual learning options for individual students. Rule 56.2 does not remove the options available to students outlined in Rule 56.1.</p>
<p><b>(Rule 56.2)</b>                      As a parent of children in public schools and mental health professional in the state, I want to thank the Mississippi State Board of Education for its efforts to make education more equitable for all students learning in local education agencies throughout the state. Education is important for all children as it increases their access to opportunities to thrive in life. As a mental health professional, I have supported children throughout the pandemic and know that access to education whether virtually or in person has been critical to the youth I serve.</p> <p>During the 2020-2021 school year, I had an opportunity to stand with fellow parents in the Mississippi Delta determined to prioritize safety, teaching and learning for all children in a local school district. It was a long, hard battle, and it felt very defeating at times - especially when virtual learners including my own were nearly stripped of complete access to their teachers near the end of the year. Their instruction went from 100% live teaching to only a few hours a week with teachers to ask questions, if needed. I do realize that, in a sense, the particular district I am referencing was somewhat of an exception as some school districts in the state did not offer any synchronous or live learning experiences between teachers and virtual students during parts of or the entire school year. Despite this fact, I stood firmly with many parents and supporters that virtual learners should have access to the same teaching that students in person received. And, today, I am so humbled and honored to see that the Mississippi State Board of</p>	<p>The comment is in support of the virtual learning policies.</p> <p>The MDE is recommending a clarification to Chapter 56, Rule 56.2 to reiterate that virtual learners shall receive the equivalent amount of synchronous and asynchronous instruction as in-person students.</p> <p>State Board Policy Chapter 56, Rule 56.2 includes requirements for parents and students (if age-appropriate) to sign a commitment that acknowledges receipt and acceptance of, and commitment to, the local board policy pertaining to virtual learning as well as criteria for students to participate and remain in virtual learning.</p> <p>Noncompliance with State Board policies and Process Standards may result in the downgrading of a district’s accreditation status in accordance with Accreditation Policy 2.0 of the current edition of the <i>Mississippi Public School Accountability Standards</i>.</p>

**Summary of Administrative Procedures Act (APA) Comments**

**Approval to begin the Administrative Procedures Act (APA) process to establish the following:**

**Miss. Admin. Code 7-3: 9.3, State Board Policy Chapter 9, Rule 9.3 *School-Wide and District-Wide Virtual Learning Days* and State Board Policy Chapter 56, Rule 56.2: *Virtual Students***

Summary of Comment	MDE Response
<p>Education also wants to ensure equitable access to teaching for all students in local districts whether the student learns in person or virtually.</p> <p>While Miss. Admin. Code 7-3: 56.2 is a step in the right direction, some improvements may help the policy become more realized in practice among educators. Currently, the policy does not address how much of the 330 minutes required must be synchronous versus asynchronous, and this could be a loophole for future misunderstandings if the policy does not define this. I propose that all 330 minutes of required instruction for virtual learners should mirror, at minimum, the time in-person learners have with teachers. For example, if an in-person learner is scheduled for 300 minutes of live teaching and 30 minutes of asynchronous learning (through computer applications, etc.), then so should be the case, at minimum, for the virtual learner.</p> <p>Further, I suggest that the state board policy promote communication and transparency among LEAs and parents of virtual students. To this point, amend the minimum local-approved board policies to include a virtual parent engagement and communications plan that tells parents with virtual students what to expect in terms of engaging and communicating with their local schools.</p> <p>Finally, it is not clear in this policy what measures will be taken to monitor compliance and impact of the policy. If LEAs will face any consequences if they do not comply in some form, please clarify this in the policy.</p>	



**Summary of Administrative Procedures Act (APA) Comments**

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Summary of Comment	MDE Response
<p><b>(Rule 9.3 and Rule 56.2)</b> Please accept this written correspondence (APA) in regards to the proposed guidelines for virtual learning and the reporting of attendance for virtual students. The leadership of the Ocean Springs School District has carefully reviewed the documents that were disseminated and offer the following statements/requests for clarification:</p> <ol style="list-style-type: none"><li>1. <b><u>"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."</u></b> Please provide clarification on this statement as it is not clear if this relates to an entire school/district utilizing virtual learning for a specific event. The long lasting benefit of virtual learning is that our students can now access valuable instruction when they must also travel and we do not want to lose the capacity to continue to provide this as an option. The EDLA grant invested over 2 million dollars in our district and we have worked tirelessly to implement a seamless virtual experience for our students.</li><li>2. <b><u>"Virtual learning may not be used to circumvent disciplinary practices, including but not limited to suspension and/or expulsion."</u></b> Again, while we appreciate what we believe to be the intent of this language, it too has far reaching implications that we request be reconsidered. Our district is now one-to-one and the opportunity to continue to provide instruction to students who are in short term suspension status is also an</li></ol>	<p>State Board Policy Chapter 9, Rule 9.3 applies only to school-wide and district-wide closures and conversions to virtual learning day(s). Refer to State Board Policy Chapter 56, Rules 56.1 and 56.2 for virtual learning options for individual students. Rule 56.2 does not remove the options available to students outlined in Rule 56.1.</p> <p>The intent of the policy is to prevent the district from improperly reporting disciplinary infractions based on local board policy, using virtual learning as a disciplinary measure or as a means to circumvent disciplinary measures based on local board policy.</p>

**Summary of Administrative Procedures Act (APA) Comments**

**Approval to begin the Administrative Procedures Act (APA) process to establish the following:**

**Miss. Admin. Code 7-3: 9.3, State Board Policy Chapter 9, Rule 9.3 *School-Wide and District-Wide Virtual Learning Days* and State Board Policy Chapter 56, Rule 56.2: *Virtual Students***

Summary of Comment	MDE Response
<p>instructional concern. Students who are waiting for the Board of Trustees to convene in order to hear discipline appeals can now continue to receive instruction from their classroom teachers. We do not see this as a circumvention of rules but wish for the policy to provide further clarification in regards to this statement.</p>	
<p><b>(Rule 9.3 and Rule 56.2)</b>            I am writing to share the concerns expressed by Madison County Schools' principals and directors, regarding the proposed changes to State Board Policy. As you are aware, Madison County Schools strives to provide the best educational opportunities possible for our students in all circumstances, even Covid. Because of the pandemic and through using opportunities provided by MDE during the 2020-2021 school year, we were able to strengthen our ability to provide quality instruction for our students both virtually and remotely. We would very much like to have the ability to continue some of these practices, which are currently under review for modification. Below you will find our concerns and the portion of the policy to which each concern pertains.</p> <p><b>Rule 9.3 Designated School-Wide/District-Wide Virtual Learning Days</b>            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.</p>	<p>State Board Policies Chapter 9, Rule 9.3 and Chapter 56, Rule 56.2 will eliminate the hybrid (a combination of virtual and traditional instructional mode) option.</p> <p>Miss. Code Ann. § 37-13-67 mandates “The number of hours of actual teaching which shall constitute a school day shall be determined and fixed by the board of trustees of the school district at not less than five and one-half (5-½) hours.”</p> <p>State Board Policy Chapter 9, Rule 9.3 does not require a 24-hour notice. To clarify the intent of the requirement for advanced notice, the MDE is recommending revising the language to “before the close of the prior school day.” The intent of the requirement to provide sufficient notice is to allow districts ample time to issue devices to the students.</p>

Summary of Administrative Procedures Act (APA) Comments

Approval to begin the Administrative Procedures Act (APA) process to establish the following:

Miss. Admin. Code 7-3: 9.3, State Board Policy Chapter 9, Rule 9.3 *School-Wide and District-Wide Virtual Learning Days* and State Board Policy Chapter 56, Rule 56.2: *Virtual Students*

Summary of Comment	MDE Response
<p><b><i>What constitutes actual teaching? We are concerned about the level of engagement and the appropriateness developmentally if "actual teaching" means live, direct instruction for 330 minutes. In a traditional setting, teachers utilize direct instruction and small group instruction, as well as opportunities for independent practice.</i></b></p> <p>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.</p> <p><b><i>One of the benefits of COVID for our District was the strengthening of our ability to provide instruction for our students remotely. During state testing, students had previously been displaced or supervised by a different teacher while the assigned teacher served as a test administrator or proctor, resulting in the students working on given assignments without instruction. By using lessons pre-recorded by our teachers, the learning was not interrupted, and the instruction was provided by the assigned teacher. This opportunity also removed the need to use proctors from outside the building which limited the potential exposure for our students and staff.</i></b></p> <p>Virtual Learning Days vs. Inclement Weather Days</p> <p>Districts shall provide sufficient notice (at least one school day) to staff and students for any weather-related or other unforeseen virtual days.</p>	

**Summary of Administrative Procedures Act (APA) Comments**

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**Miss. Admin. Code 7-3: 9.3, State Board Policy Chapter 9, Rule 9.3 *School-Wide and District-Wide Virtual Learning Days* and State Board Policy Chapter 56, Rule 56.2: *Virtual Students***

Summary of Comment	MDE Response
<p><i>The weather in Mississippi is unpredictable and often does not materialize in the manner forecasted making it impossible to always make the decision of school closing twenty- four hours in advance. By practicing distance learning throughout the year, students, parents, and teachers learn how to pivot to remote learning without impacting instruction or the school calendar.</i></p> <p>State Board Policy Chapter 56, Rule 56.2: Virtual Students Districts that opt to offer a virtual learning option to individual students shall ensure that the virtual learning day includes the minimum 330 minutes of actual teaching as required by Miss. Code Ann.§ 37-13-67. Teachers shall provide actual instruction to students during each virtual learning day and may not utilize asynchronous learning only.</p> <p><i>What constitutes actual teaching? We are concerned about the level of engagement and the appropriateness developmentally If "actual teaching" means live, direct instruction for 330 minutes. In a traditional setting, teachers utilize direct instruction and small group instruction, as well as opportunities for independent practice.</i></p>	
<p><b>(Rule 9.3 and Rule 56.2)</b></p> <ul style="list-style-type: none"> <li>• This policy would negatively affect alternative settings, catch up programs. It would greatly limit our options for our students that are at-risk.</li> <li>• From what I understand, the OCR has previously investigated and approved using virtual instruction for alternative and catch-up programs for the reason that we are able to keep students engaged and not let them fall behind.</li> </ul>	<p>State Board Policy Chapter 9, Rule 9.3 addresses school-wide and district-wide virtual learning days.</p> <p>Refer to State Board Policy Chapter 56, Rules 56.1 and 56.2 for virtual learning options for individual students. Rule 56.2 does not remove the options available to students outlined in Rule 56.1.</p>

**Summary of Administrative Procedures Act (APA) Comments**

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Summary of Comment	MDE Response
<ul style="list-style-type: none"> <li>• This policy could cost districts significant dollars if they have to hire more staff members to implement this policy in these particular settings.</li> <li>• What about students that we are able to send home for asynchronous learning instead of expulsion? If they don't have the internet to be online with the classroom then we will have to expel the student. With asynchronous learning we at least have an alternative to expulsion.</li> <li>• What about MOCA courses? Would they be obsolete with this policy?</li> <li>• What about the new Delta Variant of Covid? What if we have to quarantine students but we can't have them online with the classroom for the fact that they have no internet. Roughly 42-45% of our school district population does not have reliable internet connection.</li> <li>• Weather days: we typically call those at 5 AM in the morning. This policy does not support the decision-making process for superintendents.</li> <li>• Our state has purchased millions of dollars in devices so we can have options. This policy would take that away.</li> </ul> <p>I fully understand that everyone should go back to school all day, every day, in person. Our district was one of the few that started on time and went the whole year, therefore we fully understand that it is important for the students in Mississippi to be in school. However, this policy severely limits the creativity of districts that are working to give their students multiple opportunities for success.</p>	<p>State Board Policy Chapter 9, Rule 9.3 does not require a 24-hour notice. To clarify the intent of the requirement for advanced notice, the MDE is recommending revising the language to “before the close of the prior school day.” The intent of the requirement to provide sufficient notice is to allow districts ample time to issue devices to the students.</p> <p>The intent of the policy is to prevent the district from improperly reporting disciplinary infractions based on local board policy, using virtual learning as a disciplinary measure or as a means to circumvent disciplinary measures based on local board policy.</p>

**Summary of Administrative Procedures Act (APA) Comments**

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Summary of Comment	MDE Response
<p><b>(Rule 9.3)</b>                      This proposal requires a one day ahead notice for virtual days and weather. Both are very unpredictable by nature, thus making this policy not a viable option for school districts. Anyone who is diagnosed and those quarantined won't/can't get a 24-hour notice because of the timing. As far as the weather goes, the majority of the time we make decisions about attending school the morning of the possible/imminent weather event. We wait until we can get the most accurate weather forecast before making that important decision. We want to be in school if at all possible. Giving 24 hours' notice will cause us to possibly be out more than we intend.</p>	<p>State Board Policy Chapter 9, Rule 9.3 does not require a 24-hour notice. To clarify the intent of the requirement for advanced notice, the MDE is recommending revising the language to “before the close of the prior school day.” The intent of the requirement to provide sufficient notice is to allow districts ample time to issue devices to the students.</p>
<p><b>(Rule 56.2)</b>                      Please consider removing the proposal about synchronous learning and alternative school. For a <b>small school district</b>, having this option is the best option to make sure our students are getting the instruction directly from the specific teacher in which they would normally learn from. It also helps us with staffing and course offerings. Students will be able to get the proper instruction from their teacher live and be able to see that/those teachers personally at least one day per week. This is a very big deal in making sure we accommodate our alternative students in the best way possible.</p> <p>I honestly am not sure what we will do going forward this school year if this part of the proposal passes. We can't hire more teachers financially and already have a master schedule in place for the ones currently employed for 2021-2022.</p>	<p>Refer to State Board Policy Chapter 56, Rules 56.1 and 56.2 for virtual learning options for individual students. Rule 56.2 does not remove the options available to students outlined in Rule 56.1.</p>

**Summary of Administrative Procedures Act (APA) Comments**

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Summary of Comment	MDE Response
<p><b>(Rule 56.2)</b> As a rural district I have a concern about only "live" internet instruction being required for a virtual student. My district does not have the internet available (at the speeds required) to all areas in my district. Not to mention the cost associated with that service, where it is available.</p> <p>I am also concerned about the unintended consequences this has on alternative school. As a small district we have been using live virtual learning for our alternative students. We do not have the staff or funds to have full-time teachers dedicated to alternative school. Additionally, our alternative school student numbers are extremely low and would not warrant a single full time teacher unit. The use of live virtual learning is the perfect tool in my district's circumstances to keep alternative students aligned with their scheduled class.</p>	<p>State Board Policy Chapter 56, Rule 56.2 grants districts the authority to establish criteria for students to participate in the virtual learning program. Districts are not required to offer virtual learning options to students.</p> <p>State Board Policy Chapter 56, Rule 56.2 establishes the minimum criteria for districts that offer a virtual learning program which includes reliable connectivity.</p>
<p><b>(Rule 56.2)</b> A couple of weeks ago, our administrative team met to make some changes to our alternative school process. These changes allowed us to be able to continue to offer synchronous virtual daily instruction from a student's regular classroom teacher to a student in alternative school. The changes also included a provision that the actual teacher would visit the student in alternative school at least one day per week to check on progress, challenges, etc. for each student assigned.</p> <p>This change also allowed for the recovery of a few academic periods for teachers who had previously been assigned to the alternative school. This allowed for the lowering of class sizes and an expansion of course offerings.</p>	<p>Refer to State Board Policy Chapter 56, Rules 56.1 and 56.2 for virtual learning options for individual students. Rule 56.2 does not remove the options available to students outlined Rule 56.1.</p> <p>The intent of the policy is to prevent the district from improperly reporting disciplinary infractions based on local board policy, using virtual learning as a disciplinary measure or as a means to circumvent disciplinary measures based on local board policy.</p>

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Summary of Comment	MDE Response
<p>In a small district such as ours, this type of innovation offers more options to students, a higher quality alternative school program, and allows us to be more creative with funding.</p> <p>At this point in July, most districts already have plans in place for the school term that will begin in roughly 3 weeks. <b>We request that the MS State Board of Education reject the particular part of this proposal as it applies to alternative schools.</b></p>	
<p><b>(Rule 9.3)</b>                      Proposal 9.3 basically ties districts hands as it relates to providing for emergency virtual days whether for weather or perhaps even pandemic purposes. For any decision relating to emergency school closure, our administrative team always delays making such a decision until the latest forecast information and/or data is available.</p> <p>Operating under such a 24-hour notice would inevitably cause unnecessary closures and virtual days which, in the end, would serve to be counterproductive for student learning.</p> <p><b>I urge you to reject proposal 9.3.</b></p>	<p>State Board Policy Chapter 9, Rule 9.3 does not require a 24-hour notice. To clarify the intent of the requirement for advanced notice, the MDE is recommending revising the language to “before the close of the prior school day.” The intent of the requirement to provide sufficient notice is to allow districts ample time to issue devices to the students.</p>
<p><b>(Rule 56.2)</b>                      In regard to the portion of proposed <i>Board Policy Rule 56.2: Virtual Students</i> (pasted below), Hancock County School District (HCSD) would like to offer the following comments and suggestions:</p> <p>Virtual learning may not be used to circumvent disciplinary practices, including but not limited to suspension and/or expulsion.</p>	<p>Refer to State Board Policy Chapter 56, Rules 56.1 and 56.2 for virtual learning options for individual students. Rule 56.2 does not remove the options available to students outlined in Rule 56.1.</p> <p>The intent of the policy is to prevent the district from improperly reporting disciplinary infractions based on local board policy, using</p>



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Summary of Comment	MDE Response
<p>Further, in keeping with comparable services afforded students in alternative education, students remanded to alternative school campuses for disciplinary offenses or for participation in high school equivalency coursework shall be presented face-to-face instruction from certified instructors in core subject areas unless the district offers a virtual option, as referenced above, to all students.</p> <p>HCSD would like to propose that one of the biggest challenges for alternative education is helping students remain on track academically for a smooth transition back to the home school. Therefore, it is imperative that alternative students receive the same direct teacher instruction, from their traditional certified teacher, on the same standards, at the same level of rigor, as students who remain in the traditional classroom setting. This can be accomplished by providing students the opportunity to participate virtually in direct teacher instruction in real time, while also providing additional certified alternative teachers who not only facilitate the learning, but who also provide face-to-face intervention, remediation, and motivation. Therefore, it is our opinion that the requirement of “face-to-face instruction” for alternative education be removed from <i>State Board Policy Rule 56.2: Virtual Students</i>.</p> <p>Hancock County School District would like to propose the following alternative school plan for the 2021-22 school year:</p> <p>In order to help ensure academic student progress while at alternative school, alternative students will continue to receive instruction and assessment from their regular classroom teacher through a virtual format. Students will view the same direct teacher instruction from their content teacher and complete all assignments</p>	<p>virtual learning as a disciplinary measure or as a means to circumvent disciplinary measures based on local board policy.</p>

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Summary of Comment	MDE Response
<p>and assessments in either Google Classroom or Canvas. In addition to this, alternative students will also have in-person certified teachers assigned to the alternative school campus to provide face-to-face intervention, remediation, motivation, and assistance as needed.</p> <p>Your attention to this request for revision is greatly appreciated.</p>	
<p><b>(Rule 56.2)</b>                      I am writing to comment on the proposed state board policy 56.2 Virtual Students while it is out for public comment. My first concern is in regards to the timing. Our return to school plan had to be placed on our website by May 28 in order to be compliant with the ESSER guidelines. Districts across the state posted their return to school plans for public comment and had their local school boards approve those plans. Most districts have also now approved their handbooks for the upcoming school year and shared that information with parents prior to registration. Timeliness of the changes is an issue. Any changes that the Mississippi Department of Education planned to implement for school year 2021-2022 should have been communicated with school districts prior to May 28, 2021. Some districts are starting this school year on a modified calendar which means students are returning to school in July rather than August.</p> <p>One major issue with this proposed rule is in regards to disciplinary practices. If a student has been placed in alternative school, a virtual option allows the district to continue to provide appropriate services which support the expectations of the Office of Civil Rights. This proposed rule does not support that autonomy for a district.</p>	<p>Chapter 9, Rule 9.3 and Chapter 56, Rule 56.2 will be in effect for the 2021 - 2022 school year.</p> <p>The intent of the policy is to prevent the district from improperly reporting disciplinary infractions based on local board policy, using virtual learning as a disciplinary measure or as a means to circumvent disciplinary measures based on local board policy.</p>

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Summary of Comment	MDE Response
<p>Also, it was noted in the APA posting that a Virtual Policy Steering Committee was formed to provide feedback to the Mississippi Department of Education.</p> <p>After speaking with several superintendents, none were aware of the creation of the committee nor the names of the members of the committee, and most would have preferred to have been surveyed to provide input to either the committee or the Mississippi Department of Education.</p> <p>Please reconsider this policy and allow local school boards to implement policies that support their local communities.</p>	
<p><b>(Rule 9.3)</b>            Although the COVID-19 Pandemic has provided challenges, two of the benefits it has revealed is that the great state of Mississippi can offer learning to students anywhere, anytime, 24 hours during the day. Additionally, it has proven that not all students need to sit in the seat 180 days to master grade level content. Hence, the need for state seat time waivers that afforded students who are able, to master content at their own pace, without having a 180 day seat time requirement.</p> <p>We should continue to leverage technology and the lessons we've learned over the past year to remove any barriers that may prohibit a student from receiving high quality instruction.</p> <p>Listed below are my comments related to the policies to resume in-person learning.</p>	<p>Miss. Code Ann. § 37-13-63 mandates that Mississippi public schools have a minimum of 180 days of teaching.</p> <p>State Board Policy Chapter 9, Rule 9.3 applies only to school-wide and district-wide closures and conversions to virtual learning day(s). Refer to State Board Policy Chapter 56, Rules 56.1 and 56.2 for virtual learning options for individual students. Rule 56.2 does not remove the options available to students outlined in Rule 56.1.</p> <p>The intent of the policy is to prevent the district from improperly reporting disciplinary infractions based on local board policy, using virtual learning as a disciplinary measure or as a means to circumvent disciplinary measures based on local board policy.</p> <p>State Board Policy Chapter 9, Rule 9.3 does not require a 24-hour notice. To clarify the intent of the requirement for advanced notice, the MDE is recommending revising the language to "before the</p>

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Summary of Comment	MDE Response
<p>Proposed State Board Policy 9.3: Virtual Learning Days vs Inclement Weather Days - Notifications of parents at least one school day will not be possible for weather-related or unforeseen virtual learning days. If it's unforeseen, advanced notice may not be possible.</p> <p>Distance Learning, Blended Learning and On-Line Courses: The pandemic has afforded us with the opportunity to offer instruction anywhere anytime. Therefore, even if a student is out of school for disciplinary reasons, the student should still be allowed to receive instruction by attending the class virtually.</p> <p>Regarding alternative school students, due to the teacher shortage, school districts should be allowed to provide alternative school students with virtual instruction by allowing them to pipe into their regularly scheduled classes during the time they're at the alternative school. Although students may be physically housed at the alternative school, allowing them to receive their instruction virtually would be most beneficial because the students will be getting instruction from the teacher of record.</p>	<p>close of the prior school day.” The intent of the requirement to provide sufficient notice is to allow districts ample time to issue devices to the students.</p>
<p><b>(Rule 9.3 and Rule 56.2)</b>            Thank you for the opportunity to give input on the two new Mississippi State Board of Education policies related to Virtual Learning (9.3) and Virtual Students (56.2). Regarding in-person schooling for the upcoming school year, Rankin County School District believes that in-person instruction is the most effective form of instruction. RCSD began the first few weeks of the 2020-2021 school year using a combination of hybrid and traditional instruction, with approximately 15% of students opting for virtual instruction. By the end of the school year, the percentage of virtual</p>	<p>State Board Policy Chapter 9, Rule 9.3 addresses school-wide and district-wide virtual learning days.</p> <p>State Board Policies Chapter 9, Rule 9.3 and Chapter 56, Rule 56.2 will eliminate the hybrid (a combination of virtual and traditional instructional mode) option.</p> <p>Chapter 9, Rule 9.3 requires districts that opt to offer virtual learning options to students to adopt, publish, and make publicly</p>

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Summary of Comment	MDE Response
<p>learners was less than 7% of RCSD students, and a majority of the schools implemented traditional, in-person instruction for the full school year.</p> <p>I have several concerns about the options being presented to the State Board of Education. If a situation requires implementing virtual or hybrid instruction in the future, we would have these questions about the new policies:</p> <ul style="list-style-type: none"> <li>• We understand that we will be allowed to continue to offer virtual options to students with health concerns. We are sensitive to health concerns but we witnessed many virtual students struggle because we were limited in how we could assess and support them. If we may, continue to provide a virtual learning option, does the state have guidance on how the district should allow the switch to virtual from in-person and/or in-person to virtual</li> <li>• If we were to offer periodic distance learning days (Policy 9.3), would all families/students in the district need a signed commitment (Policy S6.2)? The second paragraph of policy 9.3 states that districts shall "comply with State Board Policy Chapter 56 Rule 56.2." Policy 56.2 includes "a requirement for parents ... to sign a commitment ... to local board policy pertaining to virtual learning." Policy 9.3 further allows "individual students to utilize distance learning ... on an as-needed basis (i.e., illnesses) based on local school board policy." Do the periodic situations like illness or district-wide virtual learning days [Policy 9 3) require that each student have the signed commitment, or is the signed</li> </ul>	<p>available, local board-approved policies that include, at a minimum, the criteria outlined in Chapter 56, Rule 56.2.</p> <p>State Board Policy Chapter 9, Rule 9.3 does not require a 24-hour notice. To clarify the intent of the requirement for advanced notice, the MDE is recommending revising the language to "before the close of the prior school day." The intent of the requirement to provide sufficient notice is to allow districts ample time to issue devices to the students.</p>

**Summary of Administrative Procedures Act (APA) Comments**

**Approval to begin the Administrative Procedures Act (APA) process to establish the following:**

**Miss. Admin. Code 7-3: 9.3, State Board Policy Chapter 9, Rule 9.3 *School-Wide and District-Wide Virtual Learning Days* and State Board Policy Chapter 56, Rule 56.2: *Virtual Students***

Summary of Comment	MDE Response
<p>commitment intended only for students and families who opt for full time virtual instruction (Policy 56.2)?</p> <ul style="list-style-type: none"> <li>• Policy 9.3 allows districts to offer periodic distance learning days during inclement weather (Policy 9.3), with "sufficient notice" defined as "at least one school day." Oftentimes, weather severity increases during the overnight hours, meaning that virtual learning could not be needed until the morning before school starts. Requiring "at least one school day" which some translate as 24-hours' notice is an unrealistic expectation especially: for schools and districts that now have the capacity to provide devices 1:1. Thanks to the hard work of our Legislators and MDE most school districts in Mississippi now have the capability to provide virtual learning at a moments' notice Why would we hinder that capability with a less than flexible notice requirement?</li> </ul>	
<p><b>(Rule 9.3 and Rule 56.2)</b>            Proposed State Board Policy 9.3 Chapter 9: Attendance Reporting Rule 9.3            In the last paragraph under the heading Designated School-Wide/District-Wide Virtual Learning Days the policy states:            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. Regarding this statement we are submitting the following questions:</p> <ol style="list-style-type: none"> <li>1. What provisions will be put in place to mitigate the impact of students in rural and low wealth areas?</li> </ol>	<p>State Board Policy Chapter 9, Rule 9.3 does not require a 24-hour notice. To clarify the intent of the requirement for advanced notice, the MDE is recommending revising the language to "before the close of the prior school day." The intent of the requirement to provide sufficient notice is to allow districts ample time to issue devices to the students.</p> <p>State Board Policy Chapter 9, Rule 9.3 allows students who have been identified as not having internet access, to participate asynchronously during designated school-wide or district-wide virtual learning days, provided that the instruction is equivalent to his/her peers.</p>

**Summary of Administrative Procedures Act (APA) Comments**

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Summary of Comment	MDE Response
<p>2. How will districts determine if students have access to the internet?</p> <p>3. Should the policy define true internet access?</p> <p>4. How will the policy define equivalent instruction and provide alternatives for students without internet access?</p> <p>In the first paragraph under the heading Virtual Learning Days vs. Inclement Weather Days, the policy states: Districts shall provide sufficient notice (at least one school day) to staff and students for any weather-related or other unforeseen virtual days. Regarding this statement we are submitting the following recommendation:</p> <p>1. Define in the policy a scheduled virtual day and an unforeseen virtual day.</p> <p>Proposed State Board Policy 56.2, Chapter 56: Distance Learning, Blended Learning and On-Line Courses In the fifth paragraph under the heading Rule 56.2 Virtual Students the policy states: Virtual learning may not be used to circumvent disciplinary practices, including but not limited to suspension and/or expulsion. Regarding this statement we are submitting the following question:</p> <p>1. While we agree that virtual learning days should not be implemented in lieu of suspension or expulsion, does the proposed policy prevent school districts that implement MTSS with fidelity for behavior from using virtual learning as a strategy when a student needs an alternate learning environment, and it is determined ONLY in agreement with the parent that virtual learning would provide the best environment for the child?</p>	<p>The intent of the policy is to prevent the district from improperly reporting disciplinary infractions based on local board policy, using virtual learning as a disciplinary measure or as a means to circumvent disciplinary measures based on local board policy.</p>

**Summary of Administrative Procedures Act (APA) Comments**

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**Miss. Admin. Code 7-3: 9.3, State Board Policy Chapter 9, Rule 9.3 *School-Wide and District-Wide Virtual Learning Days* and State Board Policy Chapter 56, Rule 56.2: *Virtual Students***

Summary of Comment	MDE Response
<p><b>(Rule 9.3 and Rule 56.2)</b></p> <p>1. "Therefore, districts that opt to offer a virtual learning 1 option to students 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 a scheduled time for each course each of the 180 days."</p> <p>Comment: This policy does not allow for schools to use asynchronous programs like Edgenuity and others which have been approved through the MDE MOOCA program.</p> <p>2. "Teachers shall provide actual instruction to students during each virtual learning day and may not utilize asynchronous learning only."</p> <p>Comment: This option will be difficult for students who do not have reliable internet access. Also, in case of weather-related virtual days, it would be impossible for some to login synchronously. The logistics of this will be prohibitive for schools. In addition, asking for 24 hours' notice will keep districts from using this option in weather related or emergency situations, when it would be a great option.</p> <p>3. "Virtual learning may not be used to circumvent disciplinary practices, including but not limited to suspension and/or expulsion. Further, in keeping with comparable services afforded students in alternative education, students remanded to alternative school campuses for disciplinary offenses or for participation in high school equivalency coursework shall be presented face-to-face</p>	<p>Refer to State Board Policy Chapter 56, Rules 56.1 and 56.2 for virtual learning options for individual students. Rule 56.2 does not remove the options available to students outlined in Rule 56.1.</p> <p>State Board Policy Chapter 9, Rule 9.3 allows students who have been identified as not having internet access, to participate asynchronously during designated school-wide or district-wide virtual learning days, provided that the instruction is equivalent to his/her peers.</p> <p>State Board Policy Chapter 9, Rule 9.3 does not require a 24-hour notice. To clarify the intent of the requirement for advanced notice, the MDE is recommending revising the language to "before the close of the prior school day." The intent of the requirement to provide sufficient notice is to allow districts ample time to issue devices to the students.</p> <p>The intent of the policy is to prevent the district from improperly reporting disciplinary infractions based on local board policy, using virtual learning as a disciplinary measure or as a means to circumvent disciplinary measures based on local board policy.</p>



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Summary of Comment	MDE Response
<p>instruction from certified instructors in core subject areas unless the district offers a virtual option, as referenced above, to all students."</p> <p>Comment: This policy doesn't allow for any flexibility when distance learning may be the best option.</p>	
<p><b>(Rule 9.3 and Rule 56.2)</b>                      I'm writing to share my feedback regarding the proposed rules related to virtual learning. I know that the Mississippi Department of Education team (like all educators) is striving to manage through these unprecedented times, and to ensure that all Mississippi students are afforded an excellent education. Unfortunately, I believe that these proposed rules are more harmful than helpful.</p> <p>Requiring schools/districts to ensure 330 minutes of "actual teaching" is problematic. As educators who have worked to move our districts away from the outdated and ineffective model of teacher-centered instruction, we know that teaching must be more facilitative and include rich opportunities for scholars to explore and make meaning for themselves. This is happening in many of our classrooms. This language is unclear, but suggests that teachers should be centered, consistently and directly engaged with scholars going forward to ensure actual teaching. If this is not the intended outcome, then I strongly urge that this language be adjusted to promote the student-centered learning that educators have been working toward for decades - including independent work time, cooperative work time, center time, etc.</p> <p>As you well know, we've utilized federal funding to greatly increase districts' ability to engage with scholars using smart technology-based teaching strategies. We've invested hundreds of millions of</p>	<p>Miss. Code Ann. § 37-13-67 mandates "The number of hours of actual teaching which shall constitute a school day shall be determined and fixed by the board of trustees of the school district at not less than five and one-half (5-½) hours."</p> <p>State Board Policy Chapter 9, Rule 9.3 allows students who have been identified as not having internet access, to participate asynchronously during designated school-wide or district-wide virtual learning days, provided that the instruction is equivalent to his/her peers.</p> <p>State Board Policy Chapter 9, Rule 9.3 does not require a 24-hour notice. To clarify the intent of the requirement for advanced notice, the MDE is recommending revising the language to "before the close of the prior school day." The intent of the requirement to provide sufficient notice is to allow districts ample time to issue devices to the students.</p>

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Summary of Comment	MDE Response
<p>dollars to secure devices, internet connectivity, learning management systems, digital textbooks and professional development to this end. While I'm sure these proposed rules are meant to ensure that scholars receive excellent instruction that meets their needs, it seems this language goes too far to restrict the use of technology in our systems. The requirement of daily synchronous learning is one specific example of how innovation would be stifled (in this case, a student who is sick or has some other emergency that keeps them from attending school would not have the benefit of asynchronous learning to help them keep up with that class). The innovation that I'm starting to see amongst educators, community partners, parents and scholars was enabled by the increased capacity. We have to support this continued innovation and work with educators to find smart strategies that meet the needs of our diverse learners and their families. Now is not the time to effectively shut down such innovation and creativity in the name of accountability.</p> <p>Another major concern that I have with this proposed language is the requirement that districts provide at least one day's notice to students/parents and staff of any weather related or other unforeseen virtual days. This just doesn't seem to make sense. While we'd all love to provide much more notice than that (it's still really difficult for some parents to make alternative arrangements with 24 hours of notice), in reality, we often need that time to consider the conditions and circumstances that render us unable to open school as normal. Requiring schools/districts to provide 24 hours of notice simply isn't feasible.</p> <p>For these and other reasons, I strongly urge that these proposed rules be reconsidered.</p>	

**Summary of Administrative Procedures Act (APA) Comments**

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Summary of Comment	MDE Response
<p>I am the principal of Jefferson County Upper Elementary School in Fayette, MS. I ask that pandemic-related flexibilities are reinstated to school districts in response to the rising number of Covid-19 positive cases within our state.</p>	<p>The comment did not address the virtual learning policies.</p>
<p><b>(Rule 9.3 and Rule 56.2)</b>            Providing 330 minutes of synchronous instruction to students via a virtual platform is not a feasible option. Students within the school setting are provided 330 minutes of seat-time, but they are not actively engaged with a teacher for the entire 330 minutes. Continuous zoom meetings or virtual meetings for 5.5 hours each day is not going to be productive.</p> <p>My suggestion, each school should set up designated times for virtual meetings, provide assignments, and be available to students who may need on-demand tutorial. I would also suggest having designated "check in" times throughout the 330 minutes that are to be designated for virtual instruction each day.</p>	<p>Miss. Code Ann. § 37-13-67 mandates “The number of hours of actual teaching which shall constitute a school day shall be determined and fixed by the board of trustees of the school district at not less than five and one-half (5-½) hours.”</p>
<p><b>(Rule 9.3 and Rule 56.2)</b>            Thanks to MDE for the work that's always put into maximizing academic achievement of all students.</p> <p>With this in mind and with a constant watch on press releases from the CDC, I feel consideration should be given to the wording within the policies with regard to virtual learning. While I am in total agreement with a full return to in-person learning of our students with in-person learning being the primary mode, the language in the policies significantly limits our district (Jefferson County School District) to utilize virtual learning. Therefore, not only Jefferson</p>	<p>State Board Policy Chapter 56, Rule 56.2 grants districts the authority to establish criteria for students to participate in the virtual learning program. Districts are not required to offer virtual learning options to students. State Board Policy Chapter 56, Rule 56.2 establishes the minimum criteria for districts that offer a virtual learning program.</p>

**Summary of Administrative Procedures Act (APA) Comments**

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Summary of Comment	MDE Response
<p>County, but school districts should have more flexibility with virtual learning, especially since COVID cases are on the rise.</p>	
<p><b>(Rule 9.3 and Rule 56.2)</b>            Face-to-face instruction is the best possible method of instruction for the majority of PreK-12 students. During the 2019-2020 school year, districts had to think outside the box and find new methods to provide the best possible instruction for their students. While these methods, including virtual and online learning, provide a great alternate method of instruction, it cannot compare to or replace face-to-face instruction.</p> <p>Our first concern with is the amount of time required for a virtual learning day. Virtual and online learning also cannot mimic face-to-face instruction. Asking students to sit in front of a computer for 330 minutes is not a sound instructional practice. A full day in front of a screen also does not align with the recommendations from the American Academy of Child and Adolescent Psychiatry and the American Academy of Pediatrics. In the April 2020 edition of the American Psychological Association, the cover story stated "...Goldfield and his team have consistently found the best mental health and cognitive outcomes in teens who do one hour of physical activity each day, sleep eight to 10 hours a day and use screens recreationally less than two hours a day." <sup>1</sup></p> <p>If virtual and online learning must occur because of unplanned/unforeseen circumstances, the instruction and learning should be geared toward project-based learning, ACT prep/practice, enrichment learning, remediation learning, or student interest learning.</p>	<p>Miss. Code Ann. § 37-13-67 mandates "The number of hours of actual teaching which shall constitute a school day shall be determined and fixed by the board of trustees of the school district at not less than five and one-half (5-½) hours."</p> <p>State Board Policy Chapter 9, Rule 9.3 does not require a 24-hour notice. To clarify the intent of the requirement for advanced notice, the MDE is recommending revising the language to "before the close of the prior school day." The intent of the requirement is to allow districts ample time to issue devices to the students to take home.</p> <p>If districts do not have sufficient time to ensure students have devices to take home, the district shall consider using any weather-related school closures as a weather day allowed by Miss. Code Ann. § 37-13-64 and local board policies.</p>

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Summary of Comment	MDE Response
<p>The requirement of 330 minutes of actual teaching during a virtual learning day should be reevaluated and more aligned with the recommendations of the above-mentioned associations. A clear definition of the 330 minutes of actual teaching may also assist districts with understanding what MDE is requiring.</p> <p>Our second concern is the time frame to notify employees and families of a virtual day. Asking a district to provide at least one school day notice for a weather-related day is not doable in all cases. You cannot predict what a severe storm will do. The Pascagoula-Gautier School District experienced this issue this past April. A severe storm caused heavy flooding during the early morning hours. Because several of our neighborhoods are in low lying areas, our buses could not safely travel on the roads. The quick decision to have an inclement weather day was made and communicated with employees and parents within a matter of minutes. You will hear other examples of this from northern districts as well with the severe winter storms they experienced this past school year.</p> <p>Most districts have technology at their fingertips that can provide information to a large number of individuals quickly and effectively. A plan for how to notify staff and families may be all a district needs to become more effective in their communication.</p>	

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**(Rule 9.3 and Rule 56.2)**

First, I want to take this time to thank Dr. Wright, her entire staff, and members of the state board of education for their commitment to the children of our great state. The Mississippi Department of Education (MDE) has provided exceptional leadership during this global pandemic. From ensuring that every child has a device to increasing internet connectivity in rural areas, the state department has worked diligently to support our schools, students, and communities.

As we prepare to transition students back to school for in-person learning, there is a need to make sure district leaders have adequate flexibility with virtual learning, especially in light of the recent rise in COVID-19 cases due to the new Delta variant.

*"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."*

In some instances, it may be virtually impossible for school districts to provide sufficient notice (at least one school day) to staff and students for weather-related or other unforeseen virtual days. As you know, schools can have three or more COVID cases in one day and have to close immediately. As such, it would be very difficult to notify stakeholders in advance.

*"Virtual learning may not be used to circumvent disciplinary practices, including but not limited to suspension and/or expulsion."*

State Board Policy Chapter 9, Rule 9.3 does not require a 24-hour notice. To clarify the intent of the requirement for advanced notice, the MDE is recommending revising the language to "before the close of the prior school day". The intent of the requirement is to allow districts ample time to issue devices to the students to take home.

If districts do not have sufficient time to ensure students have devices to take home, the district shall consider using any weather-related school closures as a weather day allowed by Miss. Code Ann. § 37-13-64 and local board policies.

The intent of the policy is to prevent the district from improperly reporting disciplinary infractions based on local board policy, using virtual learning as a disciplinary measure or as a means to circumvent disciplinary measures based on local board policy.

Refer to State Board Policy Chapter 56, Rules 56.1 and 56.2 for virtual learning options for individual students. Rule 56.2 does not remove the options available to students outlined in Rule 56.1.

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*Further, in keeping with comparable services afforded students in alternative education, students remanded to alternative school campuses for disciplinary offenses or for participation in high school equivalency coursework shall be presented face-to-face instruction from certified instructors in core subject areas unless the district offers a virtual option, as referenced above, to all students."*

As you know, every school district does not have the resources to provide certified teachers for every course regarding students in alternative schools. Utilizing virtual learning to ensure that students in alternative schools receive the necessary knowledge and skills needed to be successful is a good thing. We need to continue to find ways to enhance virtual learning throughout the state.

We have invested a lot in virtual learning this past school year. Therefore, it would be beneficial to continue exploring ways to utilize virtual learning as we prepare students for careers in a 21st-century workforce.

Please consider giving school leaders more flexibility with virtual learning.

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Summary of Comment	MDE Response
<p><b>(Rule 9.3 and Rule 56.2)</b>                      The proposed 9.3 policy seems to eliminate all blended &amp; virtual options.                      "The districts shall ensure that virtual learning days include the minimum 330 minutes of actual teaching" ... Define teaching. Is this based on anticipated assignment completion time or face-to-face interaction?                      "Teachers shall provide instruction to a student during each virtual learning day. Therefore, lesson plans shall include daily synchronous/interactive instruction and dialogue." Does this mean asynchronous instruction such as those embedded in Grade Results within a district is now obsolete and/or out of proposed compliance?                      Districts "shall not use virtual learning days for testing." This seems to eliminate any hybrid or asynchronous option where students reported to school on alternate days to complete testing. "A district shall ensure students, parents, and staff are notified in advance of any virtual learning day" however, the proposal states, " in the event of unplanned/unforeseen circumstances, districts may opt to utilize designated virtual learning days ... " This statement contradicts.                      In proposal 56.2, "districts that opt to offer a virtual learning option to individual students shall ensure that the virtual learning day includes the minimum 330 minutes of actual teaching as required by Miss. Code Ann. § 37-13-67. Teachers shall provide actual instruction to students during each virtual learning day and may not utilize asynchronous learning only." This suggested rule will impede the innovation of course offerings.</p>	<p>Miss. Code Ann. § 37-13-67 mandates "The number of hours of actual teaching which shall constitute a school day shall be determined and fixed by the board of trustees of the school district at not less than five and one-half (5-½) hours."                      State Board Policies Chapter 9, Rule 9.3 and Chapter 56, Rule 56.2 will eliminate the hybrid (a combination of virtual and traditional instructional mode) option.                      State Board Policy Chapter 9, Rule 9.3 addresses school-wide and district-wide virtual learning days.                      Refer to State Board Policy Chapter 56, Rules 56.1 and 56.2 for virtual learning options for individual students. Rule 56.2 does not remove the options available to students outlined in Rule 56.1.</p>



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Summary of Comment	MDE Response
<p>Proposal 56.2 states, “further, in keeping with comparable services afforded students in alternative education, students remanded to alternative school campuses for disciplinary offenses or participation in high school equivalency coursework shall be presented face-to-face instruction from certified instructors in core subject areas unless the district offers a virtual option, as referenced above, to all students.” This proposed rule seems to contradict the MOCA process that allows districts to offer an asynchronous delivery method with support from school personnel.</p>	
<p><b>(Rule 9.3 and Rule 56.2)</b> As the numbers increase for younger children due to the new variant, I believe all districts should be open to determining if online or virtual learning should take place.</p>	<p>The comment is in support of the virtual learning policies.</p>
<p><b>(Rule 9.3 and Rule 56.2)</b> I'm against restrictions on virtual learning.</p> <p>Parents should have a choice in how they proceed with their children's education. Because covid-19 is a continuous threat to the well-being and safety of everyone, no such mandates should be proposed limiting choices. The safety of our students should be our priority not the in-person attendance (head count). The action steps outlined deviates from our first priority to the parents and students which is to provide a safe environment. Because we cannot guarantee such, restrictions should not be implied regarding virtual learning. Students and parents are fearful of the uncertainty of this virus as should the Mississippi Board of Education. The board should take pride in doing what is best for the children and not what is best for the governing body who are attempting to</p>	<p>State Board Policy Chapter 56, Rule 56.2 grants districts the authority to establish criteria for students to participate in the virtual learning program. Districts are not required to offer virtual learning options to students. State Board Policy Chapter 56, Rule 56.2 establishes the minimum criteria for districts that offer a virtual learning program.</p>

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<b>Summary of Comment</b>	<b>MDE Response</b>
mandate such restrictions and hindrances for a body of people who often lack the voice needed to block such actions that affect their entire household.	

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I saw the request for parents to express their opinions about virtual learning for make-up days. I, and others I know, would love for that to happen. Nobody wants to change plans they have made in advance for a make-up day. However, I don't believe that Mississippi has gone far enough for the virtual programs.

Looking at the research from other states, I have found that many of the largest and best school systems either already had a virtual program in place or have now adopted a virtual program. The advantages of a virtual program begin with keeping children in the public school system. Even the superintendent in MS., Carey Wright, saw enrollment decrease with about 7,600 enroll in home school and 2,300 in private schools each year, and that number is growing. Most of the large school systems say about 1%, or 1,000 at one school, 2,500 at another, are in their virtual programs. The children in that group have widespread reasons for going virtual.

Reasons for going virtual:

- Medical reasons such as Autism, ADHD, Chronic illness, Surgeries, and any number of other issues
- Families want more education in one or more areas that is not or can not be given in a public school. They can follow the school education but add their family beliefs. Many leave and home school.
- Families moving to the area may feel it would be a better option for virtual to finish the year and start at the school w then adjusted.
- Families that move here and see that MS. schools are always in the bottom 10% of national measurement and statistics will chose other options.
- Families who want to home school can have the best of both worlds, standard curriculum to follow, and help if needed.
- Virtual gives the opportunity for more children to get extra help during the school year if needed.
- Allows for high school kids who are working to complete school while working.
- It gives a way for high school students to take summer classes for credit to ease the load.
- Home schoolers would support a victual hybrid option.
- Virtual may help move MS. up a few points in the national stats, which in turn may help new business come to MS.

Here is my story, I have a 14 year old Autistic, ADHD boy. He has had a hard time in school, always in trouble, disruptive to teachers and other students, and the whole family has barely survived school. Somehow he had passing grades. He went to 6th grade and started falling apart at school and at home, became angry, just out of control, and he missed a lot of school. The 7th grade was worse and he went to an inpatient program for help for a month, then outpatient day treatment for 6 weeks. We found that school is his trigger, COVID-19 hit and with virtual school he thrived. He was able to catch up with the concepts he missed the prior two years. By the end he was doing independent work in all subjects except ELA. His therapist and MD all agree that the virtual option is good for him at this time.

We then reported this at the IEP meeting at the end of school. Everyone there thinks there will be some kind of virtual learning. The plan comes out and it is for medical only, registration was June 14th, and you had to have all medical forms completed, register for virtual and turn everything in no later than June 17th

That was a quick timeframe to complete everything and I started early and still had to go to medical offices and jump through hoops to get the papers back to turn in on time. They will let us know if he is approved by July 12th.

He already goes to the school for speech and group. This next school year the school wants him to join a gaming club, which we agree. However, the school system is pushing for him to start taking classes soon and become a full-time in-house student. That should not be the schools decision, but of his therapist, MD, himself and parents. If the pushing continues we may be one of the families opting for homeschool as well. Our goal as parents is that learning occurs. We have proof that the virtual setting for our son worked. He is a calmer person in this environment, as is our family.

Virtual school should be an option for anyone that needs it, for whatever reason. It's a win, win for the child and parents, and also a win for the schools in keeping the child in the system.

Thanks,

Glenn and Deborah King  
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Olive Branch, MS 38654  
home 662-893-4563  
cell 901-359- 4267

Here are a few articles:

<https://edtechmagazine.com/k12/article/2020>

[States with the Best & Worst School Systems](#)

<https://www.nytimes.com/2021/04/11/technology/>

<https://www.washingtonpost.com/education/2021/03/>

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I agree with in-person schooling as primary teaching mode. I am also happy to see that virtual schooling can be offered. For our middle and high school students, I believe this option increases their opportunities for acceleration for those who are behind; and this option will increase graduation rates when older students have more flexibility.

For too long, students have been held to rigid timelines, and the only option was to be homeschooled or find a private school. I love the fact that public education can now think about many alternatives for students that meet their immediate needs as far as time and space.

I look forward to the day when even more flexibility can be initiated and students can gain graduation units by proving mastery, not by hours in the classroom. Public school is so important - a free education is a must. I hope we begin to see our opportunities at this time as a blank canvas that can be painted in three-dimensional wonders rather than cookie-cutter precision. We've preached for years differentiation. Now is the time to implement these beliefs.

--

Manya Chappell, PhD  
District Wide Instructional Coach



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"A teacher affects eternity; he can never tell where his influence stops." - Henry Adams

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June 22, 2021

Dr. Carey Wright & State Board of Education  
Superintendent MS Department of Education  
P.O. Box 771  
Jackson, Mississippi 39205-0771

Re: Proposal 9.3 & 56.2

Dear Dr. Wright and SBE:

The recent decision of the steering committee appointed to establish new rules within Proposal 9.3, as well as language in Proposal 56, has caused some trepidation here in the Lauderdale County School District and with other colleagues I have spoken to in our state.

As school calendars were created with the spirit of Virtual Learning not going away our district created a calendar via a very methodical approach. This calendar allowed us to reestablish norms as much as possible but also establishing days for virtual learning to be continued and practiced throughout the year. In our estimation, this provided the best approach to continue to grow our academic capabilities with various modes of delivery to meet the needs of nontraditional students and families. The proposed policies seem to extremely limit local discretion and controls on how best to do this. Please note the bullet points below at my attempt to convey my concerns:

- The proposed 9.3 policy seems to eliminate all blended & virtual options; this will cause more students to remain homeschooled and not return to traditional K12 settings where some parents have found a better option for their students.
- Virtual Days should not be considered useful only "when the need arises"...if we don't practice, we will lose the skill. (Recommend/consider up to 10 Virtual Learning Days either planned or emergency-related). We did invest billions in devices and LMS programs to assist in virtual learning.
- Another item we find problematic is "The districts shall ensure that virtual learning days include the minimum 330 minutes of actual teaching"...Define teaching. Is this based on anticipated assignment completion time or face-to-face interaction?
- "Teachers shall provide instruction to a student during each virtual learning day. Therefore, lesson plans shall include daily synchronous/interactive instruction and dialogue." The word "shall" carries strong indications and/or expectations. Does this mean asynchronous instruction such as those embedded in CANVAS within a district or from online providers such as Booneville Virtual/Edgenuity/Edmentum are now obsolete and/or out of proposed compliance?

**John-Mark Cain, Ph.D., Superintendent of Education**  
301 46<sup>th</sup> CT, Meridian, Mississippi 39305 - (601) 693-1683 – [www.lauderdale.k12.ms.us](http://www.lauderdale.k12.ms.us)

- In the event of the affirmative of the preceding question, how would this affect absenteeism? Students out sick using virtual learning under Rule 56.1 could be marked present if assignments are completed synchronously?
- Other languages in the proposal we view as problematic..."Have access to the assigned teacher including any special services teachers/providers during the scheduled time for each course?" Again, this seems to eliminate an asynchronous option to completing assignments for students; this level of expectation would surpass the current level of in-person needs being met in the traditional setting.
- Districts "shall not use virtual learning days for testing." Again, this seems to eliminate any hybrid or asynchronous option where students reported to school on alternate days to complete testing.
- Will MDE audits of process standards for virtual learning be the same for teacher evaluations? How? It seems very unlikely that the virtual practitioner could/would be expected to be evaluated using the same tool or metrics.
- "A district shall ensure students, parents, and staff are notified in advance of any virtual learning day" but in the same proposal says "in the event of unplanned/unforeseen circumstances, districts may opt to utilize designated virtual learning days..." How can it be both? This language seems to contradict other provisions.
- "Have alternate plans in place 'only' for individual students who do not have access to internet services?" What about early primary grades who perform better with paper packets or are not allowed to take devices home? Or a parent with the internet but prefers paper packs due to a lack of proficiency or student/parent disability? Again, this seems to eliminate local control and best practices identified by the LEA.
- "Districts shall provide sufficient notice (at least one day) to staff and students for any weather-related or other unforeseen virtual days?" From the practitioner's viewpoint, this is simply unrealistic. If lessons, courses, and assignments are prepared and ready in an LMS and schools/teachers can find creative solutions to create a learning experience with planned lessons "in the event of" such situations, then this is creating more obstacles for LEAs to innovate and pursue other means of educating students when unplanned events quickly develop and disrupt to the normal school day. As it is stated, we must inform stakeholders 24 hours prior, but again this seems unrealistic in many situations.
- In proposal 56.2, "districts that opt to offer a virtual learning option to individual students shall ensure that the virtual learning day includes the minimum 330 minutes of actual teaching as required by Miss. Code Ann. § 37-13-67. Teachers shall provide actual instruction to students during each virtual learning day and may not utilize asynchronous learning only." This will have a major impact on new required courses such as the Computer Science programs being required. Again, this will put extreme pressure on our teacher shortage crisis facing many MS LEAs.
- Again, in proposal 56.2, "further, in keeping with comparable services afforded students in alternative education, students remanded to alternative school campuses for disciplinary offenses or participation in high school equivalency coursework shall be presented face-to-face instruction from certified instructors in core subject areas unless the district offers a virtual option, as referenced above, to all

**John-Mark Cain, Ph.D., Superintendent of Education**

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students." Again, this seemingly will eliminate our virtual options currently being utilized via vendors and MOCA approved applications to provide asynchronous platform delivery with facilitated support from certified and non-certified personnel. This will be a huge expense to LEAs and will also negatively impact the teacher shortage we are already facing in some districts. Would such a proposal also contradict DE/DC opportunities for high school students completing asynchronous courses?

Furthermore, the MDE/SEA response to the USDE in using **Elementary and Secondary School Emergency Relief Fund** seems to totally diverge away from original language and spirit versus the proposals in 9.3 and 56.2.

"The Mississippi Department of Education intends to support technological capacity and access – including hardware and software, connectivity, and instructional expertise – to support remote learning within school districts, through activities such as the development and deployment of guidance and professional learning opportunities for teachers focused on best practices in instructional technology integration, distance learning instructional approaches, and learning management systems. Professional development opportunities will include a focus on how districts how can serve students experiencing homelessness, foster care youth, English learners, children with disabilities, racial and ethnic minorities, and low- income students. The SEA also intends to support remote learning by developing new informational and academic resources and expanding awareness of, and access to, best practices and innovations in remote learning and support for students, families, and educators, through activities such as the incentivization of distance learning models and training for various stakeholder groups on learning management systems."

As provided, the language used in both proposals seems to force districts to take a step back and limit innovation and home rule, and weakening discernment from LEAs. If passed as is, there will be extreme pressures applied to local district's budgets as innovative means of delivering instructional content will not be allowed; especially in an alternative school and in-school suspension programs, where the population can range widely from grade to numbers daily. These recommendations, although well-intentioned, seem to need some "tweaking" for LEAs to continue to innovate and not be burdened with new financial constraints. The actions of a few "bad actors" seems to be driving the proposals at hand and not what is best for the future of public education in Mississippi.

Respectfully,



Dr. John-Mark Cain  
Superintendent, Lauderdale County School District

**John-Mark Cain, Ph.D., Superintendent of Education**  
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Good morning,

I have a concern with the virtual days and the requirements.

Just as an FYI we have tried to remain in school as much as possible and believe face to face instruction is the best form of learning. We did not take the 10 day late start and began an A/B in person schedule in August. At Labor Day we went to 4 days a week. We left 1 day as virtual to work with our students who were out due to quarantine (upon their return), have those who choose virtual full time come in for assistance, testing, and services, and allow our teachers to create virtual work. We believed in school was best and pushed to remain that way. However, outbreaks and ongoing individual quarantines throughout the year means approximately one-third of my entire district missed at least 2 weeks on instruction.

We are a rural district and virtual "live" instruction is literally not possible in some areas of our district. Not including those who cannot afford even reasonable internet options. (Ex = I personally know one family that has used 3 service providers hot spots and 2 different satellite companies and is unable to get quality video service.)

I feel that these strict requirements while still requiring us to send students and staff home will be a detriment to learning. We knew internet service was not optimal in our district and made lessons based on that fact. All students have a Chromebook and we purchased over 4,000 USB drives to record lessons and save documents for them to take home if needed. Only using virtual "live" lessons to count a student as virtual is not fair or possible in all districts, but particularly those of us serving rural areas.

I appreciate you taking our comments and considering them in this process.

Sincerely,

David Martin, Superintendent

Phone: 601-835-0011 Fax: 601-833-3030

Mail:

P.O. Box 826

Brookhaven, MS 39602

Physical:

233 East Monticello St.  
Brookhaven, MS 39602

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### 9.3

This proposed policy requires at least one day's notice for unforeseen virtual days.

Due to the nature of pandemics and weather, it is almost impossible to give a day notice. We may have students that test positive or have close contact that we discover at the end of the school day. Those students won't be allowed to return the next day. Therefore, a day's notice is impossible.

Additionally, the weather is unpredictable. We often make decisions at the end of the day or the morning of...depending on the changing pattern. It is difficult to give a "days" notice in these circumstances.

The second paragraph.....In the event of unplanned events.... seems to contradict the notification requirements. Also, for students who don't have internet, how will teachers meet the 330 minutes of actual teaching with daily synchronous instruction and dialogue?

--

Thank you,

Brian Jernigan  
Superintendent  
Monroe County School District

[www.mcsd.us](http://www.mcsd.us)

662.257.2176

"What is now proven was once only imagined" William Blake

---

Good morning! I would like to offer comments on the virtual days. My only suggestion is to allow school districts flexibility during state testing to allow non testing students to be distance learners. These days can be preplanned ensuring effective instruction and accountability for student learning. The testing environment was much more focused with only testers on campus. We did not have to solicit multiple community volunteers for many days to proctor the tests because we could use teachers already on campus. In a big school, as I was for 12 years previously, this is a daunting task for testing coordinators. The pandemic and fears made it even harder to find outside volunteers. We can even schedule the virtual learning to be synchronous.

Every principal across the state with whom I've spoken has mentioned how much more effective testing was this year because those students were the only ones on campus . The entire campus (teachers, students, admins, families) knew the priority of the day was tests. There were no disruptions. As our state continues to make positive strides in our accountability scores in comparison to the nation, I strongly believe this can be very beneficial to us. Thank you for your consideration.

Lindsay

--

Lindsay Brett, Ed.D.  
Principal  
Plantersville Middle School

*Deeper Waters*

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Good afternoon Drs. Vanderford and Malone,

I hope this message finds you well and safe. I am writing to inform you that I have received inquiries from local district leaders and other education stakeholders, regarding licensure requirements for teachers that provide instruction via virtual learning platforms. This is to confirm that any individual providing direct instruction and assigning grades to students, shall be properly licensed and endorsed in accordance Mississippi State Board of Education policy regardless of the mode of instructional delivery. Should you require additional information, please do not hesitate to inform me.

Kind regards,

Cory

CORY M. MURPHY, PH.D., *Executive Director*  
Office of Teaching and Leading  
601-359-3631 | [mdek12.org](http://mdek12.org)



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Comment for the proposed virtual school days for the 2021-2022 school year.

The only virtual days that I believe should be utilized are during the state assessment window. My school utilized virtual days for certain grades as we tested one particular grade level. This allowed me to utilize staff on my campus and I did not have to bring in any volunteers to help proctor the assessments. Using the current certified staff on my campus allowed us to have two certified teachers in the classroom while the assessment was being given plus reducing the number of outside people around the students. The school is a very large school and we have difficulty finding enough people to help proctor the assessment. Allowing grades to be virtual during the assessment window will be a valuable asset for us.

Thank you for your consideration.

--  
Dr. Karen Letson  
Principal  
Guntown Middle School

---

Alternative School.

I would recommend allowing schools (especially those that do not have a separate alternative center with a full staff to continue to be able to offer live streaming from the teacher to those students.

--

Thank you,

Brian Jernigan  
Superintendent  
Monroe County School District

[www.mcsd.us](http://www.mcsd.us)

662.257.2176

"What is now proven was once only imagined" William Blake

---

Dear Dr. Malone:

As a parent of children in public schools and mental health professional in the state, I want to thank the Mississippi State Board of Education for its efforts to make education more equitable for all students learning in local education agencies throughout the state. Education is important for all children as it increases their access to opportunities to thrive in life. As a mental health professional, I have supported children throughout the pandemic and know that access to education whether virtually or in person has been critical to the youth I serve.

During the 2020-2021 school year, I had an opportunity to stand with fellow parents in the Mississippi Delta determined to prioritize safety, teaching and learning for all children in a local school district. It was a long, hard battle, and it felt very defeating at times - especially when virtual learners including my own were nearly stripped of complete access to their teachers near the end of the year. Their instruction went from 100% live teaching to only a few hours a week with teachers to ask questions, if needed. I do realize that, in a sense, the particular district I am referencing was actually somewhat of an exception as some school districts in the state did not offer any synchronous or live learning experiences between teachers and virtual students during parts of or the entire school year. Despite this fact, I stood firmly with many parents and supporters that virtual learners should have access to the same teaching that students in person received. And, today, I am so humbled and honored to see that the Mississippi State Board of Education also wants to ensure equitable access to teaching for all students in local districts whether the student learns in person or virtually.

While Miss. Admin. Code 7-3: 56.2 is a step in the right direction, some improvements may help the policy become more realized in practice among educators. Currently, the policy does not address how much of the 330 minutes required must be synchronous versus asynchronous, and this could be a loophole for future misunderstands if the policy does not define this. I propose that all 330 minutes of required instruction for virtual learners should mirror, at minimum, the time in-person learners have with teachers. For example, if an in-person learner is scheduled for 300 minutes of live teaching and 30 minutes of asynchronous learning (through computer applications, etc.), then so should be the case, at minimum, for the virtual learner.

Further, I suggest that the state board policy promote communication and transparency among LEAs and parents of virtual students. To this point, amend the minimum local-approved board policies to include a virtual parent engagement and communications plan that tells parents with virtual students what to expect in terms of engaging and communicating with their local schools.

Finally, it is not clear in this policy what measures will be taken to monitor compliance and impact of the policy. If LEAs will face any consequences if they do not comply in some form, please clarify this in the policy.

Respectfully submitted,  
Monica L. Coleman, NCC, CRC, PLPC, BC-TMH



June 29, 2021

Dr. Jo Ann Malone, Director  
Office of Accreditation  
Mississippi Department of Education  
Post Office Box 771  
Jackson, MS 39205

Re: Proposed Guidelines for State Board Policy, Chapter 9: School Wide and District-Wide Virtual Learning Days & State Board Policy, Chapter 56: Virtual Students

Dr. Malone:

Please accept this written correspondence (APA) in regards to the proposed guidelines for virtual learning and the reporting of attendance for virtual students. The leadership of the Ocean Springs School District has carefully reviewed the documents that were disseminated and offer the following statements/requests for clarification:

1. **"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."** Please provide clarification on this statement as it is not clear if this relates to an entire school/district utilizing virtual learning for a specific event. The long lasting benefit of virtual learning is that our students can now access valuable instruction when they must also travel and we do not want to lose the capacity to continue to provide this as an option. The EDLA grant invested over 2 million dollars in our district and we have worked tirelessly to implement a seamless virtual experience for our students.
2. **"Virtual learning may not be used to circumvent disciplinary practices, including but not limited to suspension and/or expulsion."** Again, while we appreciate what we believe to be the intent of this language, it too has far reaching implications that we

request be reconsidered. Our district is now one-to-one and the opportunity to continue to provide instruction to students who are in short term suspension status is also an instructional concern. Students who are waiting for the Board of Trustees to convene in order to hear discipline appeals can now continue to receive instruction from their classroom teachers. We do not see this as a circumvention of rules but wish for the policy to provide further clarification in regards to this statement.

Thank you for the opportunity to respond in the APA process and we look forward to clarifications.

Sincerely,

A handwritten signature in blue ink that reads "Bonita Coleman". The signature is written in a cursive style with a large, looped initial "B".

Bonita Coleman, Ph.D.

Superintendent of Schools



**MADISON COUNTY  
SCHOOLS**

**MARK OF EXCELLENCE**

SUPERINTENDENT  
Mrs. Charlotte Seals

BOARD OF EDUCATION  
William Grissett, President  
Dr. Pollia Griffin, Secretary  
Philip Huskey  
Wayne Jimenez  
Sam Kelly

July 8, 2021

Dear Dr. Vanderford,

I am writing to share the concerns expressed by Madison County Schools' principals and directors, regarding the proposed changes to State Board Policy. As you are aware, Madison County Schools strives to provide the best educational opportunities possible for our students in all circumstances, even Covid. Because of the pandemic and through using opportunities provided by MDE during the 2020-2021 school year, we were able to strengthen our ability to provide quality instruction for our students both virtually and remotely. We would very much like to have the ability to continue some of these practices, which are currently under review for modification. Below you will find our concerns and the portion of the policy to which each concern pertains.

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

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.

*What constitutes actual teaching? We are concerned about the level of engagement and the appropriateness developmentally if "actual teaching" means live, direct instruction for 330 minutes. In a traditional setting, teachers utilize direct instruction and small group instruction, as well as opportunities for independent practice.*

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.

*One of the benefits of Covid for our District was the strengthening of our ability to provide instruction for our students remotely. During state testing, students had previously been displaced or supervised by a different teacher while the assigned teacher served as a test administrator or proctor, resulting in the students working on given assignments without instruction. By using lessons pre-recorded by our teachers, the learning was not interrupted, and the instruction was provided by the assigned teacher. This opportunity also removed the need to use proctors from outside the building, which limited the potential exposure for our students and staff.*

### **Virtual Learning Days vs. Inclement Weather Days**

Districts shall provide sufficient notice (at least one school day) to staff and students for any weather-related or other unforeseen virtual days.

*The weather in Mississippi is unpredictable and often does not materialize in the manner forecasted making it impossible to always make the decision of school closing twenty-four hours in advance. By practicing distance learning throughout the year, students, parents, and teachers learn how to pivot to remote learning without impacting instruction or the school calendar.*

### **State Board Policy Chapter 56, Rule 56.2: Virtual Students**

Districts that opt to offer a virtual learning option to individual students shall ensure that the virtual learning day includes the minimum 330 minutes of actual teaching as required by Miss. Code Ann. § 37-13-67. Teachers shall provide actual instruction to students during each virtual learning day and may not utilize asynchronous learning only.

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Your consideration of our concerns is greatly appreciated.

Sincerely,



Charlotte Seals  
Superintendent, Madison County Schools



**MADISON COUNTY  
SCHOOLS**

**MARK OF EXCELLENCE**

SUPERINTENDENT  
Mrs. Charlotte Seals

BOARD OF EDUCATION  
William Grissett, President  
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Your consideration of our concerns is greatly appreciated.

Sincerely,  


Charlotte Seals  
Superintendent, Madison County Schools

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**Subject: APA Comment**

APA Comment: Virtual Learning Policy

- This policy would negatively affect alternative settings, catch up programs. It would greatly limit our options for our students that are at-risk.
- From what I understand, the OCR has previously investigated and approved using virtual instruction for alternative and catch up programs for the reason that we are able to keep students engaged and not let them fall behind.
- This policy could cost districts significant dollars if they have to hire more staff members to implement this policy in these particular settings.
- What about students that we are able to send home for asynchronous learning instead of expulsion? If they don't have the internet to be online with the classroom then we will have to expel the student. With asynchronous learning we at least have an alternative to expulsion.
- What about MOCA courses? Would they be obsolete with this policy?
- What about the new Delta Variant of Covid? What if we have to quarantine students but we can't have them online with the classroom for the fact that they have no internet. Roughly 42-45% of our school district population does not have reliable internet connection.
- Weather days: we typically call those at 5 AM in the morning. This policy does not support the decision making process for superintendents.
- Our state has purchased millions of dollars in devices so we can have options. This policy would take that away.

I fully understand that everyone should go back to school all day, everyday, in person. Our district was one of the few that started on time and went the whole year, therefore we fully understand that it is important for the students in Mississippi to be in school. However, this policy severely limits the creativity of districts that are working to give their students multiple opportunities for success.

I recommend that this policy be either tabled for another time and more discussion or not used at all.

--  
Dr. Lundy Brantley  
Superintendent  
Neshoba County School District





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To MDE and the MS State Board of Ed.,

This proposal requires a one day ahead notice for virtual days and weather. Both are very unpredictable by nature, thus making this policy not a viable option for school districts. Anyone who is diagnosed and those quarantined won't/can't get a 24 hour notice because of the timing. As far as the weather goes, the majority of the time we make decisions about attending school the morning of the possible/imminent weather event. We wait until we can get the most accurate weather forecast before making that important decision. We want to be in school if at all possible. Giving 24 hours notice will cause us to possibly be out more than we intend.

Thank you for your consideration,

***Tim Dickerson***  
***Superintendent, Nettleton School District***  
***(662) 963-2151***  
***[www.nettletonschoools.com](http://www.nettletonschoools.com)***

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To MDE and the MS State Board of Ed,

Please consider removing the proposal about synchronous learning and alternative school. For a **small school district**, having this option is the best option to make sure our students are getting the instruction directly from the specific teacher in which they would normally learn from. It also helps us with staffing and course offerings. Students will be able to get the proper instruction from their teacher live and be able to see that/those teachers personally at least one day per week. This is a very big deal in making sure we accommodate our alternative students in the best way possible.

I honestly am not sure what we will do going forward this school year if this part of the proposal passes. We can't hire more teachers financially and already have a master schedule in place for the ones currently employed for 2021-2022.

Thank you for your consideration,

**Tim Dickerson**  
**Superintendent, Nettleton School District**  
**(662) 963-2151**  
**[www.nettletonschoools.com](http://www.nettletonschoools.com)**

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Good morning,

As a rural district I have a concern about only "live" internet instruction being required for a virtual student. My district does not have the internet available (at the speeds required) to all areas in my district. Not to mention the cost associated with that service, where it is available.

I am also concerned about the unintended consequences this has on alternative school. As a small district we have been using live virtual learning for our alternative students. We do not have the staff or funds to have full-time teachers dedicated to alternative school. Additionally, our alternative school student numbers are extremely low and would not warrant a single full time teacher unit. The use of live virtual learning is the perfect tool in my district's circumstances to keep alternative students aligned with their scheduled class.

Thank you for considering these issues.

David Martin, Superintendent

Phone: 601-835-0011 Fax: 601-833-3030

Mail:

P.O. Box 826

Brookhaven, MS 39602

Physical:

233 East Monticello St.

Brookhaven, MS 39602

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MDE Staff and MS State Board of Education Members,

A couple of weeks ago, our administrative team met to make some changes to our alternative school process. These changes allowed us to be able to continue to offer synchronous virtual daily instruction from a student's regular classroom teacher to a student in alternative school. The changes also included a provision that the actual teacher would visit the student in alternative school at least one day per week to check on progress, challenges, etc. for each student assigned.

This change also allowed for the recovery of a few academic periods for teachers who had previously been assigned to the alternative school. This allowed for the lowering of class sizes and an expansion of course offerings.

In a small district such as ours, this type of innovation offers more options to students, a higher quality alternative school program, and allows us to be more creative with funding.

At this point in July, most districts already have plans in place for the school term that will begin in roughly 3 weeks. **We request that the MS State Board of Education reject the particular part of this proposal as it applies to alternative schools.**

Thank you,

---  
Mark Hitt  
Assistant Superintendent  
**Nettleton School District**  
179 Mullen Avenue  
Nettleton, MS 38858  
662-963-1506

*"Teaching Today What Matters Tomorrow"*



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Members of the MDE and MS State Board of Education,

Proposal 9.3 basically ties districts hands as it relates to providing for emergency virtual days whether for weather or perhaps even pandemic purposes. For any decision relating to emergency school closure, our administrative team always delays making such a decision until the latest forecast information and/or data is available.

Operating under such a 24 hour notice would inevitably cause unnecessary closures and virtual days which, in the end, would serve to be counterproductive for student learning.

**I urge you to reject proposal 9.3.**

Thank you,

--

**Mark Hitt**  
Assistant Superintendent  
**Nettleton School District**  
179 Mullen Avenue  
Nettleton, MS 38858  
662-963-1506

*"Teaching Today What Matters Tomorrow"*



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---

Good afternoon,

In regard to the portion of proposed *Board Policy Rule 56.2: Virtual Students* (pasted below), Hancock County School District (HCSD) would like to offer the following comments and suggestions:

Virtual learning may not be used to circumvent disciplinary practices, including but not limited to suspension and/or expulsion. Further, in keeping with comparable services afforded students in alternative education, students remanded to alternative school campuses for disciplinary offenses or for participation in high school equivalency coursework shall be presented face-to-face instruction from certified instructors in core subject areas unless the district offers a virtual option, as referenced above, to all students.

HCSD would like to propose that one of the biggest challenges for alternative education is helping students remain on track academically for a smooth transition back to the home school. Therefore, it is imperative that alternative students receive the same direct teacher instruction, from their traditional certified teacher, on the same standards, at the same level of rigor, as students who remain in the traditional classroom setting. This can be accomplished by providing students the opportunity to participate virtually in direct teacher instruction in real time, while also providing additional certified alternative teachers who not only facilitate the learning, but who also provide face-to-face intervention, remediation, and motivation. Therefore, it is our opinion that the requirement of “face-to-face instruction” for alternative education be removed from *State Board Policy Rule 56.2: Virtual Students*.

Hancock County School District would like to propose the following alternative school plan for the 2021-22 school year:

In order to help ensure academic student progress while at alternative school, alternative students will continue to receive instruction and assessment from their regular classroom teacher through a virtual format. Students will view the same direct teacher instruction from their content teacher and complete all

assignments and assessments in either Google Classroom or Canvas. In addition to this, alternative students will also have in-person certified teachers assigned to the alternative school campus to provide face-to-face intervention, remediation, motivation, and assistance as needed.

Your attention to this request for revision is greatly appreciated.

Thank you,

Kimberly Saucier, Director  
Office of Curriculum, Assessment, & Attendance  
Hancock County School District  
Kiln, Ms  
228-467-2251



# *Forrest County Agricultural High School*

215 Old Highway 49 East, Brooklyn, MS 39425

Phone: (601) 582-4102

Fax: (601) 545-9483

**Donna H. Boone, Ph.D.**  
Superintendent

**Stephen May**  
CFD

July 12, 2021

Dr. Jo Ann Malone  
Office of Accreditation  
Mississippi Department of Education

Dear Dr. Malone:

I am writing to comment on the proposed state board policy 56.2 Virtual Students while it is out for public comment. My first concern is in regards to the timing. Our return to school plan had to be placed on our website by May 28 in order to be compliant with the ESSER guidelines. Districts across the state posted their return to school plans for public comment and had their local school boards approve those plans. Most districts have also now approved their handbooks for the upcoming school year and shared that information with parents prior to registration. Timeliness of the changes is an issue. Any changes that the Mississippi Department of Education planned to implement for school year 2021-2022 should have been communicated with school districts prior to May 28, 2021. Some districts are starting this school year on a modified calendar which means students are returning to school in July rather than August.

One major issue with this proposed rule is in regards to disciplinary practices. If a student has been placed in alternative school, a virtual option allows the district to continue to provide appropriate services which support the expectations of the Office of Civil Rights. This proposed rule does not support that autonomy for a district.

Also, it was noted in the APA posting that a Virtual Policy Steering Committee was formed to provide feedback to the Mississippi Department of Education.



After speaking with several superintendents, none were aware of the creation of the committee nor the names of the members of the committee, and most would have preferred to have been surveyed to provide input to either the committee or the Mississippi Department of Education.

Please reconsider this policy and allow local school boards to implement policies that support their local communities.

Sincerely,

A handwritten signature in cursive script that reads "Donna H. Boone". The signature is written in dark ink and is positioned above the printed name.

Donna H. Boone

---

State Board of Education:

Although the COVID-19 Pandemic has provided challenges, two of the benefits it has revealed is that the great state of Mississippi can offer learning to students anywhere, anytime, 24 hours during the day. Additionally, it has proven that not all students need to sit in the seat 180 days to master grade level content. Hence, the need for state seat time waivers that afforded students who are able, to master content at their own pace, without having a 180 day seat time requirement.

We should continue to leverage technology and the lessons we've learned over the past year to remove any barriers that may prohibit a student from receiving high quality instruction.

Listed below are my comments related to the policies to resume in-person learning.

Proposed State Board Policy 9.3: Virtual Learning Days vs Inclement Weather Days - Notifications of parents at least one school day will not be possible for weather-related or unforeseen virtual learning days. If it's unforeseen, advanced notice may not be possible.

Distance Learning, Blended Learning and On-Line Courses: The pandemic has afforded us with the opportunity to offer instruction anywhere anytime. Therefore, even if a student is out of school for disciplinary reasons, the student should still be allowed to receive instruction by attending the class virtually.

Regarding alternative school students, due to the teacher shortage, school districts should be allowed to provide alternative school students with virtual instruction by allowing them to pipe into their regularly scheduled classes during the time they're at the alternative school. Although students may be physically housed at the alternative school, allowing them to receive their instruction virtually would be most beneficial because the students will be getting instruction from the teacher of record.

Sent from my iPhone

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# Rankin County School District

TRADITION OF EXCELLENCE

BRANDON FLORENCE McLAURIN NORTHWEST PELAHATCHIE PISGAH PUCKETT RICHLAND

Post Office Box 1359 | Brandon, MS 39043 | p 601.825.5590 | f 601.825.2618 | www.rcsd.ms

July 12, 2021

Dr. Jo Ann Malone  
Office of Accreditation, Mississippi Department of Education  
359 North West Street; Post Office Box 771  
Jackson, MS 39205-0771

Dear Dr. Malone,

Thank you for the opportunity to give input on the two new Mississippi State Board of Education policies **related to Virtual Learning (9.3) and Virtual Students (56.2)**. Regarding in-person schooling for the upcoming school year, Rankin County School District believes that in-person instruction is the most effective form of instruction. RCSD began the first few weeks of the 2020-2021 school year using a combination of hybrid and traditional instruction, with approximately 15% of students opting for virtual instruction. By the end of the school year, the percentage of virtual learners was less than 7% of RCSD students, and a majority of the schools implemented traditional, in-person instruction for the full school year.

I have several concerns about the options being presented to the State Board of Education. If a situation requires implementing virtual or hybrid instruction in the future, we would have these questions about the new policies:

- **We understand that we will be allowed to continue to offer virtual options to students with health concerns.**  
We are sensitive to health concerns but we witnessed many virtual students struggle because we were limited in how we could assess and support them. If we may continue to provide a virtual learning option, does the state have guidance on how the district should allow the switch to virtual from in-person and/or in-person to virtual?
- **If we were to offer periodic distance learning days (Policy 9.3), would all families/students in the district need a signed commitment (Policy 56.2)?** The second paragraph of policy 9.3 states that districts shall “comply with State Board Policy Chapter 56 Rule 56.2.” Policy 56.2 includes “a requirement for parents...to sign a commitment...to local board policy pertaining to virtual learning.” Policy 9.3 further allows “individual students to utilize distance learning...on an as-needed basis (i.e., illnesses) based on local school board policy.” Do the periodic situations like illness or district-wide virtual learning days (Policy 9.3) require that each student have the signed commitment, or is the signed commitment intended only for students and families who opt for full-time virtual instruction (Policy 56.2)?
- **Policy 9.3 allows districts to offer periodic distance learning days during inclement weather (Policy 9.3), with “sufficient notice” defined as “at least one school day.”** Oftentimes, weather severity increases during the overnight hours, meaning that virtual learning could not be needed until the morning before school starts. Requiring “at least one school day” which some translate as 24-hours notice, is an unrealistic expectation, especially for schools and districts that now have the capacity to provide devices 1:1. Thanks to the hard work of our Legislators and MDE, most school districts in Mississippi now have the capability to provide virtual learning at a moments’ notice. Why would we hinder that capability with a less than flexible notice requirement?

Dr. Sue Townsend  
Superintendent of Education



# Rankin County School District

TRADITION OF EXCELLENCE

BRANDON FLORENCE McLAURIN NORTHWEST PELAHATCHIE PISGAH PUCKETT RICHLAND

Post Office Box 1359 | Brandon, MS 39043 | p 601.825.5590 | f 601.825.2618 | www.rcsd.ms

- We feel that sentence 1 and sentence 2 in the paragraph excerpted below from Policy 56.2 contradict each other by saying teachers must teach 330 minutes in sentence 1 and then sentence 2 says they may not utilize asynchronous learning only--implying that it can be used some of the time: Districts that opt to offer a virtual learning option to individual students shall ensure that the virtual learning day includes the minimum 330 minutes of actual teaching as required by Miss. Code Ann. § 37-13-67. Teachers shall provide actual instruction to students during each virtual learning day and may not utilize asynchronous learning only. **Page 1 excerpt:** Lesson plans shall include details for virtual learning and denote synchronous vs. asynchronous learning as applicable. Do the 330 minutes of instruction include both synchronous and asynchronous learning? If yes, does MDE have minimum time requirements for each format? MDE should also consider alternate virtual learning plans for individual students whose parents do not allow them to bring home electronic devices or for early primary students who perform better with paper.
- Similar to the item above, Policy 9.3 as excerpted stipulates "a minimum 330 minutes of actual teaching": In the event of unplanned/unforeseen circumstances, districts may opt to utilize designated schoolwide 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. Does MDE define "actual teaching" as synchronous only, or as both synchronous and asynchronous? Can MDE clarify if the 330-minute minimum includes both synchronous and asynchronous activities, as the current phrasing implies that only synchronous (two-way, real-time) qualifies for the 330-minute minimum? In reality, teachers provide direct instruction, small group instruction, group and individual practice, student assessments, and other methods of instruction throughout a given school day. We need to have a mixture of synchronous and asynchronous for virtual that reflects in-person instructional practice.
- Based on Policy 56.2, we question if an alternative student with a medical condition could be considered for virtual learning, based on this paragraph: Virtual learning may not be used to circumvent disciplinary practices, including but not limited to suspension and/or expulsion. Further, in keeping with comparable services afforded students in alternative education, students remanded to alternative school campuses for disciplinary offenses or for participation in high school equivalency coursework shall be presented face-to-face instruction from certified instructors in core subject areas unless the district offers a virtual option, as referenced above, to all students. Provided that virtual instruction is an option for all students in the district with medical conditions, may students in an alternative school setting be offered virtual instruction?

We appreciate the State Board's work to do what is right for students and educators and look forward to a safe, successful school year of in-person learning.

Yours in education,

Sue Townsend, Ph.D.  
Superintendent of Education  
Rankin County School District

Dr. Sue Townsend  
Superintendent of Education



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## 2021-22 School Year In-Person and Virtual Policies Feedback

Submitted by One Voice, MS NAACP and Mississippi Alliance of Black School Educators (MABSE)

Proposed State Board Policy 9.3

Chapter 9: Attendance Reporting Rule 9.3

In the last paragraph under the heading Designated School-Wide/District-Wide Virtual Learning Days the policy states:

*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.*

Regarding this statement we are submitting the following questions:

1. **What provisions will be put in place to mitigate the impact of students in rural and low wealth areas?**
2. **How will districts determine if students have access to the internet?**
3. **Should the policy define true internet access?**
4. **How will the policy define equivalent instruction and provide alternatives for students without internet access?**

In the first paragraph under the heading **Virtual Learning Days vs. Inclement Weather Days**, the policy states:

*Districts shall provide sufficient notice (at least one school day) to staff and students for any weather-related or other unforeseen virtual days.*

Regarding this statement we are submitting the following recommendation:

1. **Define in the policy a scheduled virtual day and an unforeseen virtual day.**

Proposed State Board Policy 56.2

Chapter 56: Distance Learning, Blended Learning and On-Line Courses

In the fifth paragraph under the heading **Rule 56.2 Virtual Students** the policy states:

*Virtual learning may not be used to circumvent disciplinary practices, including but not limited to suspension and/or expulsion.*

Regarding this statement we are submitting the following question:

1. **While we agree that virtual learning days should not be implemented in lieu of suspension or expulsion, does the proposed policy prevent school districts that implement MTSS with fidelity for behavior from using virtual learning as a strategy when a student needs an alternate learning environment and it is determined ONLY in agreement with the parent that virtual learning would provide the best environment for the child?**

Signed,



**Nsombi Lambright-Haynes**

**Executive Director, One Voice**

---

Good Afternoon Dr. Malone,

I am sending this on behalf of Mr. Chris Fleming and Dr. April Scott. Please see the information below:

1. "Therefore, districts that opt to offer a virtual learning 1 option to students 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 a scheduled time for each course each of the 180 days."

Comment: This policy does not allow for schools to use asynchronous programs like Edegnuity and others which have been approved through the MDE MOOCA program.

2. "Teachers shall provide actual instruction to students during each virtual learning day and may not utilize asynchronous learning only."

Comment: This option will be difficult for students who do not have reliable internet access. Also, in case of weather related virtual days, it would be impossible for some to login synchronously. The logistics of this will be prohibitive for schools. In addition, asking for 24 hours notice will keep districts from using this option in weather related or emergency situations, when it would be a great option.

3. "Virtual learning may not be used to circumvent disciplinary practices, including but not limited to suspension and/or expulsion. Further, in keeping with comparable services afforded students in alternative education, students remanded to alternative school campuses for disciplinary offenses or for participation in high school equivalency coursework shall be presented face-to-face instruction from certified instructors in core subject areas unless the district offers a virtual option, as referenced above, to all students."

Comment: This policy doesn't allow for any flexibility when distance learning may be the best option.

--

Thanks,

**Amanda H. Rose**

Administrative Assistant/Website

[arose@senatobiaschools.com](mailto:arose@senatobiaschools.com)

Check out our school website at: [www.senatobiaschools.com](http://www.senatobiaschools.com)

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Senatobia Municipal School District  
104 McKie Street  
Senatobia, MS 38668

Direct Ph: 662-301-5354  
Main Ph: 662-562-4897  
Fax Number: 662-301-5354

\*\*\*\*\*  
\*\*\*\*\*

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Senatobia Municipal School District, 104 McKie St, Senatobia, MS 38668 <http://www.senatobiaschools.com>

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Greetings, Dr. Malone,

I'm writing to share my feedback regarding the proposed rules related to virtual learning. I know that the Mississippi Department of Education team (like all educators) is striving to manage through these unprecedented times, and to ensure that all Mississippi students are afforded an excellent education. Unfortunately, I believe that these proposed rules are more harmful than helpful.

Requiring schools/districts to ensure 330 minutes of "actual teaching" is problematic. As educators who have worked to move our districts away from the outdated and ineffective model of teacher-centered instruction, we know that teaching must be more facilitative and include rich opportunities for scholars to explore and make meaning for themselves. This is happening in many of our classrooms. This language is unclear, but suggests that teachers should be centered, consistently and directly engaged with scholars going forward to ensure actual teaching. If this is not the intended outcome, then I strongly urge that this language be adjusted to promote the student centered learning that educators have been working toward for decades - including independent work time, cooperative work time, center time, etc.

As you well know, we've utilized federal funding to greatly increase districts' ability to engage with scholars using smart technology-based teaching strategies. We've invested hundreds of millions of dollars to secure devices, internet connectivity, learning management systems, digital textbooks and professional development to this end. While I'm sure these proposed rules are meant to ensure that scholars receive excellent instruction that meets their needs, it seems this language goes too far to restrict the use of technology in our systems. The requirement of daily synchronous learning is one specific example of how innovation would be stifled (in this case, a student who is sick or has some other emergency that keeps them from attending school would not have the benefit of asynchronous learning to help them keep up with that class). The innovation that I'm starting to see amongst educators, community partners, parents and scholars was enabled by the increased capacity. We have to support this continued innovation and work with educators to find smart strategies that meet the needs of our diverse learners and their families. Now is not the time to effectively shut down such innovation and creativity in the name of accountability.

Another major concern that I have with this proposed language is the requirement that districts provide at least one day's notice to students/parents and staff of any weather related or other unforeseen virtual days. This just doesn't seem to make sense. While we'd all love to provide much more notice than that (it's still really difficult for some parents to make alternative arrangements with 24 hours of notice), in reality, we often need that time to consider the conditions and circumstances that render us unable to open school as normal. Requiring schools/districts to provide 24 hours of notice simply isn't feasible.

For these and other reasons, I strongly urge that these proposed rules be reconsidered.

Thank you for your consideration.

EG

**Errick L. Greene, Ed.D.**  
**Superintendent | Jackson Public Schools**  
662 South President Street  
Jackson, MS 39201  
601-973-8625 (office)  
[www.jackson.k12.ms.us](http://www.jackson.k12.ms.us)



---

Dr. Malone:

I am the principal of Jefferson County Upper Elementary School in Fayette, MS. I ask that pandemic-related flexibilities are reinstated to school districts in response to the rising number of Covid-19 positive cases within our state.

**Ms. Cashoney C. Carter**

**JCUES Principal**

**Raising the B.A.R.!**

**Behavior, Academic Success, and Rigorous Instruction**

Jefferson County School District

Office: 601-786-8510 ext 300 District Cell: 601-786-7157



"Education must not simply teach work- it must teach Life." -W.E.B. Du Bois

**Academic Goal: 385 | Student Attendance Goal: 95% | Teacher Attendance Goal: 95%**

**JCUE Mission:** The mission of Jefferson County Upper Elementary School is to provide a 21st learning environment that produces **Responsible and Accountable Individuals Successfully Excelling (R.A.I.S.E.)** in positive behavior, academics, and college and career readiness skills.

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Providing 330 minutes of synchronous instruction to students via a virtual platform is not a feasible option.

Students within the school setting are provided 330 minutes of seat-time, but they are not actively engaged with a teacher for the entire 330 minutes.

Continuous zoom meetings or virtual meetings for 5.5 hours each day is not going to be productive.

My suggestion, each school should set up designated times for virtual meetings, provide assignments, and be available to students who may need on-demand tutorial. I would also suggest having designated "check in" times throughout the 330 minutes that are to be designated for virtual instruction each day.

--

Rachel M Rogers  
Asst. Supt. - Special Programs  
Covington County Schools

"But the Lord stood with me and gave me strength." 2Timothy 4:17

The storms we face in life are just opportunities for God to show his love and mercy.

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---

Good evening,

Thanks to MDE for the work that's always put into maximizing academic achievement of all students.

With this in mind and with a constant watch on press releases from the CDC, I feel consideration should be given to the wording within the policies with regard to virtual learning. While I am in total agreement with a full return to in-person learning of our students with in-person learning being the primary mode, the language in the policies significantly limits our district (Jefferson County School District) to utilize virtual learning. Therefore, not only Jefferson County, but school districts should have more flexibility with virtual learning, especially since COVID cases are on the rise. Thanks for your attention. Have a Marvelous Monday!

Terri McGruder,  
Professional Development, MTSS, and Assessments Coordinator

**From:** [Eva Harvell](#)  
**To:** [Accreditation Shared](#)  
**Subject:** Public Input on Policies to Resume In-Person Schooling as Primary Teaching Mode  
**Date:** Monday, July 12, 2021 4:32:46 PM  
**Attachments:** [PGSD\\_public-comment\\_virtual-learning.docx](#)

---

Dr. Jo Ann Malone,

Attached are comments from the Pascagoula-Gautier School District.

Thank you,

eva

--

Eva Harvell, Ed.S.  
Director of Technology  
Pascagoula-Gautier School District  
phone ~ 228-938-6509

"Students don't learn from technology; they learn with technology."

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Good Afternoon,

I hope this email finds you well. First, I want to take this time to thank Dr. Wright, her entire staff, and members of the state board of education for their commitment to the children of our great state. The Mississippi Department of Education (MDE) has provided exceptional leadership during this global pandemic. From ensuring that every child has a device to increasing internet connectivity in rural areas, the state department has worked diligently to support our schools, students, and communities.

As we prepare to transition students back to school for in-person learning, there is a need to make sure district leaders have adequate flexibility with virtual learning, especially in light of the recent rise in COVID-19 cases due to the new Delta variant.

*"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."*

In some instances, it may be virtually impossible for school districts to provide sufficient notice (at least one school day) to staff and students for weather-related or other unforeseen virtual days. As you know, schools can have three or more COVID cases in one day and have to close immediately. As such, it would be very difficult to notify stakeholders in advance.

*"Virtual learning may not be used to circumvent disciplinary practices, including but not limited to suspension and/or expulsion. Further, in keeping with comparable services afforded students in alternative education, students remanded to alternative school campuses for disciplinary offenses or for participation in high school equivalency coursework shall be presented face-to-face instruction from certified instructors in core subject areas unless the district offers a virtual option, as referenced above, to all students."*

As you know, every school district does not have the resources to provide certified teachers for every course regarding students in alternative schools. Utilizing virtual learning to ensure that students in alternative schools receive the necessary knowledge and skills needed to be successful is a good thing. We need to continue to find ways to enhance virtual learning throughout the state.

We have invested a lot in virtual learning this past school year. Therefore, it would be beneficial to continue exploring ways to utilize virtual learning as we prepare students for careers in a 21st-century workforce.

Please consider giving school leaders more flexibility with virtual learning.

Respectfully,

--  
Adrian Hammitte, Ph.D.  
Superintendent of Education  
Jefferson County School District  
942 Main Street | Fayette, MS | 39069  
P: 601.785.3721 E: [ahammitte@jcpsd.net](mailto:ahammitte@jcpsd.net)

**Mr. Chad Shealy**  
Superintendent  
cshealy@vwsd.org



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**Mr. David Campbell**  
Deputy Superintendent  
dcampbell@vwsd.org

**Dr. Cedric D. Magee**  
Associate Superintendent  
cmagee@vwsd.org

July 12, 2021

Dr. Carey Wright and State Board of Education  
Superintendent MS Department of Education  
P.O. Box 771  
Jackson, MS 39205-0771

Re: Proposal 9.3 and 56.2

Dear Dr. Wright and State Board of Education:

The recommendation of the temporary rules within Proposal 9.3 and 56.2 established by the appointed Virtual Policy Steering Committee has caused concerns in the Vicksburg Warren School District and with other colleagues I have contacted in the state. Please see the following concerns listed below:

The proposed 9.3 policy seems to eliminate all blended & virtual options.

"The districts shall ensure that virtual learning days include the minimum 330 minutes of actual teaching"...Define teaching. Is this based on anticipated assignment completion time or face-to-face interaction?

"Teachers shall provide instruction to a student during each virtual learning day. Therefore, lesson plans shall include daily synchronous/interactive instruction and dialogue." Does this mean asynchronous instruction such as those embedded in Grade Results within a district is now obsolete and/or out of proposed compliance?

Districts "shall not use virtual learning days for testing." This seems to eliminate any hybrid or asynchronous option where students reported to school on alternate days to complete testing.

"A district shall ensure students, parents, and staff are notified in advance of any virtual learning day" however, the proposal states " in the event of unplanned/unforeseen circumstances, districts may opt to utilize designated virtual learning days..." This statement contradicts..

In proposal 56.2, "districts that opt to offer a virtual learning option to individual students shall ensure that the virtual learning day includes the minimum 330 minutes of actual teaching as required by Miss. Code Ann. § 37-13-67. Teachers shall provide actual instruction to students during each virtual learning day and may not utilize asynchronous learning only." This suggested rule will impede the innovation of course offerings.

Proposal 56.2 states, "further, in keeping with comparable services afforded students in alternative education, students remanded to alternative school campuses for disciplinary offenses or participation in high school equivalency coursework shall be presented face-to-face instruction from certified instructors in core subject areas unless the district offers a virtual option, as referenced above, to all students." This proposed rule seems to contradict the MOCA process that allows districts to offer an asynchronous delivery method with support from school personnel.

I want to thank the Virtual Policy Steering Committee for their work on the suggested rules in Proposals 9.3 and 56.2, however, there are some that need to be reconsidered in order not to hinder innovation and place undue financial burden on local school districts. I understand the importance of systems and processes, however, systems and processes should be in place that are in the best interest of ALL students in our state.

Yours In Education,



Chad Shealy  
Superintendent

**From:** [msmith](#)  
**To:** [Accreditation Shared](#)  
**Subject:** Virtual Learning  
**Date:** Monday, July 12, 2021 5:02:13 PM

---

Good afternoon,

As the numbers increase for younger children due to the new variant, I believe all districts should be open to determining if online or virtual learning should take place.

Thank you

Sent from my Sprint Samsung Galaxy S10.

---

I'm against restrictions on virtual learning.

Parents should have a choice in how they proceed with their children's education. Because covid-19 is a continuous threat to the well-being and safety of everyone, no such mandates should be proposed limiting choices. The safety of our students should be our priority not the in-person attendance (head count). The action steps outlined deviates from our first priority to the parents and students which is to provide a safe environment. Because we cannot guarantee such, restrictions should not be implied regarding virtual learning. Students and parents are fearful of the uncertainty of this virus as should the Mississippi Board of Education. The board should take pride in doing what is best for the children and not what is best for the governing body who are attempting to mandate such restrictions and hindrances for a body of people who often lack the voice needed to block such actions that affect their entire household

--

Sharonda McKenzie  
Human Resource & Fixed Assets Coordinator  
Jefferson County School District  
942 Main Street  
Fayette MS 39069  
601-786-3721 ext. 107

## **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.

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 (~~at least one school day~~) (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 wide-spread 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 TBD)



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