

OFFICE OF CHIEF ACCOUNTABILITY OFFICER
Summary of State Board of Education Agenda Items
August 19, 2021

OFFICE OF ACCOUNTABILITY
OFFICE OF ACADEMIC EDUCATION

04. Action: Approval of a temporary rule and to begin the Administration Procedures Act process: To revise Miss. Admin. Code 7-3: 9.2, State Board Policy Chapter 9, Rule 9.2: Reporting Attendance for Virtual Learning [Goals 1, 2, 3, 4, 5, and 6 – MBE Strategic Plan]

Background Information: Mississippi Code Ann. § 37-13-91 makes education for any child between the age of 6 and 17 compulsory, requires schools to report daily attendance, and requires referrals to other entities when attempts to secure enrollment and/or attendance of a compulsory-school-age child are unable to affect the enrollment and/or attendance.

As a part of Mississippi's response to coronavirus (COVID-19), during the 2020 – 2021 school year, many local education agencies (LEAs) utilized one (1) of three (3) options (traditional schedule, hybrid schedule, or virtual schedule) or any combination thereof, for operating schools during the 2020 – 2021 school year to meet the 180-day teaching day requirement in accordance with Miss. Code Ann. § 37-13-63.

On July 16, 2020, the State Board of Education (SBE) approved a temporary rule to establish a policy for reporting attendance to provide:

- Guidance on how to collect attendance data beginning with the 2020 – 2021 school year;
- Requirements for how LEAs shall define and report attendance beginning with the 2020 – 2021 school year;
- Provide background on the context in which the attendance policy shall be administered;
- Outline the intent of the MDE to collect student attendance for traditional, hybrid (if applicable), and virtual learning; and
- Provide the framework for the implementation of the policy.

The MDE is proposing revisions to State Board Policy Chapter 9, Rule 9.2: *Reporting Attendance for Virtual Learning* to become effective immediately upon approval by the SBE to provide the following clarifications:

- 1) the policy remains in effect for the 2021 – 2022 school year and thereafter; and
- 2) the hybrid scheduling option may only be utilized as outlined in State Board of Education Policy.

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*.

Recommendation: Approval

Back-up material attached

Proposed State Board Policy 9.2

Chapter 9: Attendance Reporting

Rule 9.2 Reporting Attendance for Virtual Learning

~~**Background** As a part of Mississippi's response to coronavirus (COVID-19), many local education agencies (LEAs) will utilize one (1) of three (3) options (traditional schedule, hybrid schedule, or virtual schedule), or any combination thereof, beginning with the 2020–2021 school year to meet the statutorily mandated 180-day teaching day requirement. See Miss. Code Ann. § 37-13-63. This policy contains the requirements for LEAs to report attendance beginning with the 2020–2021 school year for traditional, hybrid, and virtual schedules.~~

School Year Attendance Collection Policy Beginning 2020 - 2021 School Year and Thereafter

Mississippi Code Ann. § 37-13-91 makes education for any child between the age of 6 and 17 compulsory, requires schools to report daily attendance, and requires referrals to other entities when attempts to secure enrollment and/or attendance of a compulsory-school-age child are unable to effect the enrollment and/or attendance.

Existing regulations governing the collection of attendance assume physical presence. Beginning with the 2020 – 2021 school year **and thereafter**, attendance shall be collected as follows:

- Schools shall report daily attendance using the following types: traditional (in-person) and virtual (i.e., online/distance learning).¹
 - For in-person attendance, consistent with existing regulations, a student will be marked present or absent.²
 - For virtual (online/distance learning) attendance, the student shall be marked present or absent based on the following:
 - For a student to be marked present when attending school through virtual learning, the LEA shall meet one (1) of the following conditions:
 - If the LEA uses a learning management system (LMS),³ the student shall be authenticated and engaged in education consistent with the LEA's prescribed policy; or
 - If the LEA does not use an LMS, the LEA shall make one-on-one contact with a student for the day to authenticate their presence **and** provide daily evidence of engagement consistent with the LEA's policy.⁴

¹ For attendance reporting purposes, in-person is defined as classes where the student accesses instruction within the physical school building or on the school campus. Virtual learning is defined as the student accesses instruction outside of the physical school building such as online or through distance learning mechanisms.

² See Miss. Code. Ann. §§ 37-13-91 and 37-151-5(j)

³ A learning management system (LMS) is a software application that allows schools to create, manage and deliver instructional content, and that includes collaboration and reporting tools (e.g., Google Classroom, Instructure Canvas and Schoology).

⁴ LEAs shall describe their local board-approved attendance policies and what constitutes sufficient authentication and engagement to verify attendance in a virtual learning environment.

Types of Traditional, Hybrid (if applicable), and Virtual Scheduling Based on Restart/Digital Learning Plan/Home Connectivity

1. In-Person Mode (Traditional)
 - a. Hours at school⁵
 - b. Reporting
 - i. Report attendance in Local SIS⁶ **daily**
 - ii. Report attendance to MSIS⁷ **monthly**
2. Mixed Mode (Hybrid) (If applicable, based on current State Board of Education Policy.)
 - a. Designate in MSIS which days of attendance are counted via which mode (**daily** or **weekly**)
3. Synchronous⁸ Online Mode (Digital-Virtual)
 - a. Daily assignment [a minimum of 330 minutes of instruction] completed = hours toward daily attendance
 - b. Attending scheduled daily interactions = hours toward daily attendance
 - c. Reporting
 - i. **Daily** metadata for accessing software, completing assignments, and participating
 - ii. Report engagement in Local SIS **daily** [data integration with LMS]
 - iii. Report attendance to MSIS **monthly**
 - iv. Automated metadata report to MDE via LMS **monthly**
4. Asynchronous⁹ Online Mode (Digital-Virtual)
 - a. Daily assignment [a minimum of 330 minutes of instruction] completed = hours toward daily attendance
 - b. Attending scheduled weekly interactions [one-on-one or in groups] = hours toward daily attendance
 - c. Reporting
 - i. **Daily** metadata for accessing software, completing assignments, and participating
 - ii. Report engagement in Local SIS **daily** [data integration with LMS]
 - iii. Report attendance to MSIS **monthly**
 - iv. Automated metadata report to MDE via LMS **monthly**

⁵ Based on a waiver granted by the State Board of Education on June 11, 2020, for Miss. Code Ann. § 37-13-67 and Process Standard 13.1 of the *Mississippi Public School Accountability Standards, 2019*, LEAs are required to provide a minimum of 240 instructional minutes per day to students for the 2020 – 2021 school year. Districts are encouraged to schedule in-person instructional days at 330 minutes when possible. However, minutes may be reduced to allow for altered transportation schedules, health screenings, class transitions, modified food service schedules, and other activities to maximize health and safety of staff and students. LEAs shall resume the minimum of 330 instructional minutes as outlined in Miss. Code Ann. § 37-13-67 and Process Standard 13.1 of the *Mississippi Public School Accountability Standards, 2020* immediately upon the conclusion of the 2020 – 2021 school year.

⁶ Student Information System

⁷ Mississippi Student Information System

⁸ Synchronous instruction: two-way, real-time/live, virtual instruction between teachers and students when students are not on campus.

⁹ Asynchronous instruction: instruction that does not require having the instructor and student engaged at the same time.

5. Asynchronous Offline Mode (Digital-Virtual)
 - a. Daily assignment [a minimum of 330 minutes of instruction] completed = hours toward daily attendance
 - b. Attending scheduled weekly interactions [one-on-one or in groups] = hours toward daily attendance
 - c. Reporting
 - i. **Weekly** metadata for accessing software, completing assignments, and participating
 - ii. Report engagement in Local SIS **weekly** [data integration with LMS]
 - iii. Report attendance to MSIS **monthly**
 - iv. Automated metadata report to MDE via LMS **monthly**
6. Asynchronous Offline Mode (Learning Packets)¹⁰
 - a. Daily assignment [a minimum of 330 minutes of instruction] completed = hours toward daily attendance
 - b. Attending scheduled weekly interactions [one-on-one or in groups] = hours toward daily attendance
 - c. Reporting
 - i. Report attendance in Local SIS¹¹ **weekly**
 - ii. Report attendance to MSIS¹² **monthly**

In the LEA's plan required by the MDE for the 2020 – 2021 school year, the LEA shall clearly outline the LEA-defined policies it is using to meet the criteria for reporting students present in a virtual learning environment. Attendance shall be collected daily and reported in accordance with the requirements outlined in Miss. Code Ann. §§ 37-13-91 and 37-151-5(j) and Miss. Admin. Code 7-3: 30.2, State Board of Education Chapter 30, Rule 30.2, and Policy 2.1 of the current edition of the *Mississippi Public School Accountability Standards*.

Based on a waiver granted by the State Board of Education on June 11, 2020, for Miss. Code Ann. § 37-13-67 and Process Standard 13.1 of the *Mississippi Public School Accountability Standards, 2019*, LEAs are required to provide a minimum of 240 instructional minutes per day to students for the 2020 – 2021 school year. The daily instructional minutes need not be consecutive but shall occur within the same day. A program meets the synchronous online method requirements if the minimum daily instructional minutes are met, even if part of the day includes asynchronous activities. LEAs shall resume the minimum of 330 instructional minutes as outlined in Miss. Code Ann. § 37-13-67 and Process Standard 13.1 of the *Mississippi Public School Accountability Standards, 2020* immediately upon the conclusion of the 2020 – 2021 school year.

LEAs are required to maintain daily schedules that document the amount of instruction a student or group of students is scheduled to receive on a given day. The schedule shall detail the amount and type of instruction being provided that the LEA has approved for the purpose of recording attendance in accordance with Miss. Code Ann. §§ 37-13-91 and 37-151-5(j).

¹⁰ Asynchronous Offline Mode is typically used for students who do not have access to content via an electronic device and who are present for class off-site, completing assignments via pencil and paper.

¹¹ Student Information System

¹² Mississippi Student Information System

Dual Enrollment - When dually enrolled, the student may be counted, for adequate education program funding purposes, in the average daily attendance of the public school district in which the student attends high school. (*See* Miss. Code Ann. § 37-15-38(7)) Therefore, during dual credit class periods on days when the college schedule does not align with the LEAs schedule, students should not be counted as absent.

Absences shall be entered as either excused or unexcused consistent with definitions defined in Miss. Code Ann. § 37-13-91 and Miss. Admin. Code 7-3: 30.2, State Board Policy Chapter 30, Rule 30.2. Unexcused absences will result in the same reporting of truancy referrals.

Source: Miss. Code Ann. §§ 37-1-3, 37-13-91, and 37-151-5(j). (Adopted 7/2020, Revised 8/2021)