# Students will take state tests in spring, DeVos says

**Mississippi Today**

State superintendents of education, including Mississippi's Carey Wright, received a letter last week with a clear message: expect to administer state tests this school year.

Despite the global pandemic and its effects on instruction, Secretary of Education Betsy DeVos penned a letter to the heads of state education departments last week telling them not to expect waivers for federally required assessments.

In Mississippi, students' performance on state assessments impacts districts' annual accountability grades, which are measured on an A-F scale. State tests are used to measure proficiency and growth for students in 3rd through 8th grade and high school students taking end-of-the-year tests in Algebra I, English II, Biology and U.S. History.

In March, as the novel coronavirus spread in Mississippi, schools were closed and state tests were canceled. School and district accountability scores were rolled over from the previous year.

DeVos opened her Sept. 3 letter by stating school closures in the spring disproportionately impacted the most vulnerable students, and that fact underlines the need for more data on the impact of lost learning time.

"Moving forward, meeting the needs of all students will require tremendous effort," she wrote. "To be successful, we must use data to guide our decision-making."

**A day after visiting students and educators in Holmes County, Education Secretary Betsy DeVos tours a classroom at the Edward Hynes Charter School in New Orleans, Friday, Oct. 5, 2018.**

**(Gerald Herbert / Associated Press)**

DeVos said that while assessments must be administered this year, the department is "open to discussions about what, if any, actions may be needed to adjust how the results of assessments are used in your state's school accountability determinations."

Jason Dean, chair of the State Board of Education, said based on his own beliefs and the opinions he's heard from around the state, state testing will, and should, proceed this year — barring another shutdown or major event.

"We've got to understand the magnitude of the learning loss, if there is any," resulting from school closures and other effects of COVID-19, Dean told Mississippi Today. "We need to understand where we are compared to two years ago (in the spring of 2019)."

However, said Dean, education officials are open to looking at how assessment scores will impact accountability ratings this year, and a team at the state education department is currently looking at potential ways to address concerns about accountability ratings.

Dean acknowledged many educators are concerned and said a decision regarding accountability ratings won't be made until closer to the time state assessments are administered usually in April and May.

The Mississippi Department of Education said in a statement it has no plans at this point to ask the U.S. Department of Education to waive the requirement to administer state tests.

A request for comment from the Mississippi Association for School Superintendents was not immediately returned Thursday.

# Softball Senior Night held at Central Holmes

**Landry Gardner is the daughter of Matt and Lacy Hathcock and Christian and Sydney Gardner. Landry has attended CHCS for 14 years; she has been a member of the softball team for six years. Landry has been a member of the All-conference team each year since 9th grade. As a junior, she was also selected as the best defensive player. Landry plans to attend Holmes Community College and pursue a degree as a physical therapist. Pictured above are (from left): Christian Gardner, Sydney Gardner, Landry Gardner, Lacy Hathcock and Matt Hathcock. (Photo by David Irby)**

**Addie Burrell is the daughter of Jeff and Mandy Burrell. This is Addie's 14th year to attend CHCS; she has been a member of the softball team for six of those years. Addie has been named in softball as an All-Conference honorable mention and as a member of the All-Conference team. Addie plans to attend Holmes Community College and then Mississippi State University to pursue a degree in elementary education. Pictured above are (from left): Mandy Burrell, Addie Burrell and Jeff Burrell.**

**(Photo by David Irby)**

# Supreme Court allows felony plea hearings to be conducted by video conference

**Press Release**

The Mississippi Supreme Court on Friday, Sept. 4, issued an order allowing plea hearings in felony cases to be conducted by video conference to reduce the spread of COVID-19 in jails.

Chief Justice Mike Randolph signed Emergency Administrative Order 16 today. The order said that trial judges have the discretion to use interactive audiovisual equipment to conduct plea hearings.

The order said that allowing plea hearings to be conducted by video appearance is "in the interest of balancing the health risks presented by COVID-19 with the courts' constitutional and statutory duty to remain open and accessible."

The Supreme Court said that video conferencing for a plea hearing can be done only if a defendant willingly agrees to this method, and only if the defense attorney is physically present with the defendant. The Court issued these requirements:

(1) a full record of the proceedings shall be made, which may include an electronic recording (digitally or on tape);

(2) after consultation with counsel, the defendant shall provide written consent to the use of "interactive audiovisual equipment" during the proceedings;

(3) the court shall determine that the defendant knowingly, intelligently, and voluntarily agrees to appear at the proceeding by interactive audiovisual means; and

(4) counsel shall be physically present with the defendant during the proceedings, with each taking appropriate and/or mandated measures to minimize the potential transmission of COVID-19 (e.g., face coverings over the nose and mouth; social distancing), and provisions shall be made to allow for confidential communications between the defendant and counsel before and during the proceeding.

On March 25, the Mississippi Attorney General and the State Public Defender filed a joint motion requesting the Supreme Court to adopt a temporary rule suspension that would allow felony plea hearings, sentencing hearings and probation violation hearings to be done by way of interactive audiovisual equipment. The request was made in an effort to prevent the introduction of COVID-19 into jails. The Supreme Court on March 26 declined to allow plea hearings by video conference, but agreed to temporarily suspend Rule1.8(c) of the Mississippi Rules of Criminal Procedure to allow sentencing hearings and probation violation hearings to be conducted by video conference.

The President of the United States signed the CARES Act the next day, March 27. The CARES Act authorized federal courts to use video conferencing, under certain circumstances, for various criminal proceedings during the COVID-19 emergency, including felony pleas.

The Supreme Court on Aug. 5 said it would reconsider the issue of trial courts using video conferences to conduct plea hearings. The Court told the Attorney General and the State Public Defender to provide more information via supplemental briefs.

State Defender Andre' de Gruy in a document filed Aug. 11 said, "The purpose of our request in March and still today is to protect the health and safety of detainees while ensuring their constitutional rights are protected as well. Protection of this vulnerable population also protects everyone involved in the system including jailors, court personnel and defense lawyers but the defendant's rights must be paramount."

The office of the Attorney General asked the Court in a document filed Aug. 20 to protect vulnerable populations of jails by "vesting complete discretion in Mississippi's trial court judges to decide on a case-by-case bases whether in-person hearings can be conducted safely or should be handled remotely."

The Attorney General noted that all U.S. District Courts in Mississippi as well as in neighboring states use video conferences for accepting felony pleas.

The Attorney General wrote that after the CARES Act allowed federal district courts to utilize video conferences to conduct plea hearings, "all federal district courts in Alabama, Arkansas, Florida, Georgia, Louisiana, and Tennessee have found that felony plea proceedings cannot be conducted in person without seriously jeopardizing public health and safety and authorized the use of interactive audiovisual technology for these proceedings where the defendant consents and the court specifically finds that the plea cannot be delayed without serious harm to the interests of justice."

# Community-based group awarded home loan program

**Staff Report**

On Thursday, September 10, United States Representative Bennie G. Thompson (D-MS) announced the Federal Home Loan Bank of Dallas in partnership with Mississippi-based community banks has awarded $157,500 to local community-based organizations.

The program is known as the Partnership Grant Program, the Federal Home Loan Bank matches a local bank's donation to a Mississippi-based non-profit by a factor of 5:1.

Locally, BankPlus in Lexington, Mississippi awarded $20,000 to Community Students Learning Center in Lexington.