

By: Senator(s) Burton

To: Education; Judiciary,  
Division BSENATE BILL NO. 2277  
(As Passed the Senate)

1 AN ACT TO CODIFY SECTION 37-35-13, MISSISSIPPI CODE OF 1972,  
2 AND TO AMEND SECTION 37-16-4, MISSISSIPPI CODE OF 1972, TO  
3 PRESCRIBE CRIMINAL PENALTIES FOR VIOLATIONS OF GENERAL EDUCATIONAL  
4 DEVELOPMENT TEST (GED) SECURITY PROCEDURES; AND FOR RELATED  
5 PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** The following shall be codified as Section  
8 37-35-13, Mississippi Code of 1972:

9 37-35-13. (1) It is unlawful for anyone knowingly and  
10 willfully to do any of the following acts regarding the General  
11 Education Development Test (GED):

12 (a) Give an examinee access to test questions prior to  
13 testing;

14 (b) Copy or reproduce all or any portion of any secure  
15 test booklet or completed test;

16 (c) Coach an examinee during testing or alter or  
17 interfere with an examinee's response in any way;

18 (d) Make an answer key available to an examinee;

19 (e) Forge, counterfeit or alter a transcript, diploma,  
20 grade report or GED test;

21 (f) Fail to account for all secure test materials  
22 before, during and after testing;

23 (g) Participate in, direct, aid, counsel, assist in,  
24 encourage, fail to report any of the acts prohibited in this  
25 section, or engage in any activity with the intent to fraudulently  
26 obtain a GED.

27 (2) Any person violating any provisions of subsection (1) of  
28 this section is guilty of a misdemeanor and upon conviction shall

29 be fined not more than One Thousand Dollars (\$1,000.00), or be  
30 imprisoned for not more than ninety (90) days, or both. Upon  
31 conviction, the State Board for Community and Junior Colleges may  
32 suspend or revoke the GED credential of the person convicted.

33 (3) The district attorney or county prosecuting attorney  
34 shall investigate allegations of violations of this section,  
35 either on their own initiative or following the receipt of an  
36 allegation, or at the request of the Executive Director of the  
37 State Board for Community and Junior Colleges.

38 (4) The district attorney or county prosecuting attorney  
39 shall furnish to the Executive Director of the State Board for  
40 Community and Junior Colleges a report of the findings of any  
41 investigation conducted pursuant to this section.

42 (5) Nothing in this section may be construed to prohibit or  
43 interfere with the responsibilities of the State Board for  
44 Community and Junior Colleges in test development or selection,  
45 test form construction, standard setting, test scoring and  
46 reporting, or any other related activities which in the judgment  
47 of the Executive Director of the State Board for Community and  
48 Junior Colleges are necessary and appropriate.

49 **SECTION 2.** Section 37-16-4, Mississippi Code of 1972, is  
50 amended as follows:

51 37-16-4. (1) It is unlawful for anyone knowingly and  
52 willfully to do any of the following acts regarding mandatory  
53 uniform tests administered to students as required by the State  
54 Department of Education \* \* \*:

55 (a) Give examinees access to test questions prior to  
56 testing;

57 (b) Copy or reproduce all or any portion of any secure  
58 test booklet;

59 (c) Coach examinees during testing or alter or  
60 interfere with examinees' responses in any way;

61 (d) Make answer keys available to examinees;

62 (e) Fail to account for all secure test materials  
63 before, during and after testing;

64 (f) Participate in, direct, aid, counsel, assist in,  
65 encourage or fail to report any of the acts prohibited in this  
66 section.

67 (2) Any person violating any provisions of subsection (1) of  
68 this section is guilty of a misdemeanor and upon conviction shall  
69 be fined not more than One Thousand Dollars (\$1,000.00), or be  
70 imprisoned for not more than ninety (90) days, or both. Upon  
71 conviction, the State Board of Education may suspend or revoke the  
72 administrative or teaching credentials, or both, of the person  
73 convicted.

74 (3) The district attorney shall investigate allegations of  
75 violations of this section, either on its own initiative following  
76 a receipt of allegations, or at the request of a school district  
77 or the State Department of Education.

78 (4) The district attorney shall furnish to the State  
79 Superintendent of Education a report of the findings of any  
80 investigation conducted pursuant to this section.

81 (5) The State Board of Education shall establish statistical  
82 guidelines to examine the results of state mandated tests to  
83 determine where there is evidence of testing irregularities  
84 resulting in false or misleading results in the aggregate or  
85 composite test scores of the class, grade, age group or school  
86 district. When said irregularities are identified, the State  
87 Superintendent of Education may order that any group of students  
88 identified as being required to retake the test at state expense  
89 under state supervision. The school district shall be given at  
90 least thirty (30) days' notice before the next test administration  
91 and shall comply with the order of the State Superintendent of  
92 Education. The results from the second administration of the test  
93 shall be final for all uses of that data.

94           (6) Nothing in this section may be construed to prohibit or  
95 interfere with the responsibilities of the State Board of  
96 Education or the State Department of Education in test development  
97 or selection, test form construction, standard setting, test  
98 scoring, and reporting, or any other related activities which in  
99 the judgment of the State Superintendent of Education are  
100 necessary and appropriate.

101           **SECTION 3.** This act shall take effect and be in force from  
102 and after July 1, 2005.