

By: Representative Whittington

To: Education

HOUSE BILL NO. 1176

1 AN ACT TO GRANT PARENTS OF CHILDREN ENROLLED IN PUBLIC
2 SCHOOLS THE RIGHT TO OPT THEIR CHILDREN OUT OF STATEWIDE TESTS; TO
3 REQUIRE SCHOOL DISTRICTS TO PROVIDE WRITTEN NOTICE TO PARENTS OF
4 THIS RIGHT; TO REQUIRE PARENTS TO SUBMIT WRITTEN NOTICE TO THEIR
5 CHILD'S SCHOOL PRINCIPAL OF A DECISION TO OPT OUT OF ALL OR PART
6 OF A STATEWIDE TEST; TO PROHIBIT SCHOOL DISTRICTS AND EMPLOYEES
7 FROM SOLICITING SUCH REQUESTS ON BEHALF OF ANY STUDENT; TO REQUIRE
8 THE STATE BOARD OF EDUCATION TO ENSURE THAT SCHOOL DISTRICTS AND
9 EMPLOYEES ARE NOT IMPACTED NEGATIVELY DUE TO A STUDENT OPTING OUT
10 OF A STATEWIDE TEST; TO AMEND SECTION 37-16-7, MISSISSIPPI CODE OF
11 1972, TO REQUIRE LOCAL SCHOOL DISTRICTS TO DEVELOP ALTERNATIVE
12 MEANS TO ASSESS A STUDENT'S MASTERY OF MINIMUM SKILLS REQUIRED FOR
13 GRADUATION IF THE STUDENT HAS OPTED OUT OF STATEWIDE TESTS; AND
14 FOR RELATED PURPOSES.

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

16 **SECTION 1.** (1) Parents and guardians of children enrolled
17 in the public schools of this state have a right to opt their
18 children out of all or any specified part of tests administered
19 under the statewide testing program required under this chapter.

20 (2) At the beginning of the 2015-2016 school year and all
21 subsequent school years, each school district shall provide
22 written notice to the parent or guardian of each student enrolled
23 in the school district of the right of the parent or guardian to
24 opt a child out of testing administered as part of the statewide



25 testing program. The notice must advise the parent or guardian
26 that any request to excuse a child from all or a specified part of
27 a statewide test must be initiated by the parent or guardian. The
28 school district shall include instructions in the notice on the
29 process that must be followed by a parent or guardian electing to
30 opt a child out of the statewide test, including the date by which
31 such a request must be received by the child's school.

32 (3) In order to opt a child out of all or a specified part
33 of a test administered under the statewide testing program, a
34 parent or guardian must submit a written request to the principal
35 of the school in which the child is enrolled no later than the
36 date established by the school district as the deadline for the
37 submission of the requests. If the parent or guardian is electing
38 to opt a child from only certain parts of a test, the written
39 request must identify clearly the specific parts of the test from
40 which the parent is requesting the child to be excused. The
41 parent or guardian may not be required to give any reason for
42 requesting the child to be excused from the test or a part of a
43 test.

44 (4) Each properly submitted request from a parent or
45 guardian to opt a child out of all or any specified part of a test
46 administered under the statewide testing program must be granted.

47 (5) A school district and employees of the district may not
48 solicit or encourage, under any circumstances, a written request
49 on behalf of any child to excuse that child from all or any



specified part of a test administered under the statewide testing program.

(6) The State Board of Education shall take such steps as may be necessary to ensure that the accreditation rating of a school and school district and the assessment of any employee of a school district are not impacted negatively due to a student opting out of a statewide test or part of a test as authorized under this section.

SECTION 2. Section 37-16-7, Mississippi Code of 1972, is amended as follows:

37-16-7. (1) Each district school board shall establish standards for graduation from its schools which shall include as a minimum:

(a) Mastery of minimum academic skills as measured by assessments developed and administered by the State Board of Education; however, for those students who opt out of an assessment or part of an assessment under Section 1 of House Bill No. , 2015 Regular Session, the school board shall establish an alternative means to assess their mastery of the same academic skills that are measured by the state assessments.

(b) Completion of a minimum number of academic credits, and all other applicable requirements prescribed by the district school board.

(c) By school, information on high school graduation rates. High schools with graduation rates lower than eighty



75 percent (80%) must submit a detailed plan to the Mississippi
76 Department of Education to restructure the high school experience
77 to improve graduation rates.

78 (2) A student who meets all requirements prescribed in
79 subsection (1) of this section shall be awarded a standard diploma
80 in a form prescribed by the State Board of Education.

81 (3) The State Board of Education may establish student
82 proficiency standards for promotion to grade levels leading to
83 graduation.

84 **SECTION 3.** Section 1 of this act shall be codified as a new
85 section in Chapter 16, Title 37, Mississippi Code of 1972.

86 **SECTION 4.** This act shall take effect and be in force from
87 and after July 1, 2015.

