

By: Representative Bennett

To: Education

HOUSE BILL NO. 198

1 AN ACT TO PROHIBIT THE USE OF STATE APPROPRIATED AND PUBLIC  
2 FUNDS BY POSTSECONDARY EDUCATIONAL INSTITUTIONS TO PROVIDE  
3 REMEDIATION; TO REQUIRE THE STATE BOARD OF EDUCATION TO ADOPT  
4 RULES THAT REQUIRE UPPER MIDDLE AND HIGH SCHOOLS TO EVALUATE THE  
5 ACADEMIC APTITUDE AND COLLEGE READINESS OF EACH STUDENT WHO SCORES  
6 MINIMAL OR BASIC ON THE GRADE 8 ASSESSMENTS BEFORE THE BEGINNING  
7 OF GRADE 9 AND THOSE STUDENTS WHO FAIL TO RECEIVE A COMPOSITE  
8 SCORE OF 21 ON THE ACT ADMINISTERED TO ELEVENTH GRADERS; TO  
9 REQUIRE UPPER MIDDLE AND HIGH SCHOOLS TO USE TEST RESULTS TO  
10 ADVISE STUDENTS OF ANY DEFICIENCIES IN ACADEMIC DISCIPLINES  
11 INCLUDED ON THE GRADE 8 SUMMATIVE ASSESSMENT AND THE GRADE 11 ACT,  
12 AND TO PROVIDE STUDENTS APPROPRIATE EVIDENCE-BASED REMEDIAL  
13 EDUCATION COURSES OF INSTRUCTION IN GRADES 9 AND 12 TO BE INCLUDED  
14 AS A REQUIREMENT FOR GRADUATION; TO REQUIRE THE STATE BOARD OF  
15 EDUCATION TO IDENTIFY THE CURRICULUM IN THE PROGRAM OF REMEDIAL  
16 EDUCATION COURSE INSTRUCTION, WHICH SHALL PROVIDE FOR TWELVE  
17 COURSES OF REMEDIATION; TO REQUIRE THE STATE BOARD OF EDUCATION TO  
18 ESTABLISH THE PASSING SCORES REQUIRED TO DEMONSTRATE GRADE-LEVEL  
19 PROFICIENCY AND READINESS TO PERFORM COLLEGE-LEVEL WORK AFTER  
20 ADMINISTERING A GRADE 8 SUMMATIVE ASSESSMENT DURING THE 2018-2019  
21 SCHOOL TERM BY OCTOBER 31, 2018; TO PRESCRIBE WHAT THE STATE BOARD  
22 OF EDUCATION RULES SHALL ENTAIL FOR DISTRICTS' OPERATION OF  
23 REMEDIATION PROGRAMS; TO AMEND SECTION 37-15-38, MISSISSIPPI CODE  
24 OF 1972, IN CONFORMITY TO THE PRECEDING PROVISIONS TO CREATE AN  
25 ADDITIONAL EXCEPTION TO THE DUAL ENROLLMENT UNDER THE MISSISSIPPI  
26 WORKS DUAL ENROLLMENT-DUAL CREDIT OPTION PROVIDED TO CERTAIN  
27 STUDENTS; TO BRING FORWARD SECTIONS 37-16-3, 37-20-7 AND 37-20-9,  
28 MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT;  
29 TO AMEND SECTIONS 37-20-3 AND 37-20-5, MISSISSIPPI CODE OF 1972,  
30 IN CONFORMITY TO THE PRECEDING PROVISIONS; AND FOR RELATED  
31 PURPOSES.

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



33           **SECTION 1.** (1) The Board of Trustees of State Institutions  
34 of Higher Learning and the Mississippi Community College Board  
35 shall promulgate rules and regulations prohibiting the use of any  
36 state appropriated or public funds for the payment of remedial  
37 and/or developmental education at the postsecondary education  
38 level for first-time freshmen and transfer students. The  
39 legislative appropriations to each state institution of higher  
40 learning and each public community or junior college shall include  
41 a condition prohibiting the use of any such funds for purposes of  
42 providing remediation to the applicable student cohorts.

43           (2) The Board of Trustees of State Institutions of Higher  
44 Learning and the Mississippi Community College Board, in  
45 conjunction with the State Board of Education, shall develop  
46 courses and provide remediation at the intervals required under  
47 Section 2 of this act for high school students prior to graduation  
48 to ensure that those students are sufficiently prepared for  
49 collegiate level coursework upon admission and enrollment at a  
50 postsecondary institution, and for which the student may also be  
51 entitled to receive dual-enrollment credit under Section 37-15-38.

52           **SECTION 2.** (1) (a) The State Board of Education shall  
53 adopt rules that require upper middle and high schools to  
54 evaluate, before the beginning of Grades 9 and 12, the academic  
55 aptitude and college readiness of each student who scores minimal  
56 or basic on the Grade 8 assessments authorized under the statewide  
57 testing program prescribed under Section 37-16-3 and each student



58 who earns a composite score of less than 21 on the ACT  
59 administered to all students in Grade 11.

60 (b) Upper middle and high schools shall perform this  
61 evaluation using results from the corresponding component of the  
62 summative assessments of course content for students in Grade 8 as  
63 prescribed in Section 37-16-3, results from ACT composite scores  
64 for students in Grade 11 and as a condition of fulfilling  
65 graduation requirements under Section 37-16-7, or an alternative  
66 test identified by the State Board of Education. The upper middle  
67 and high school shall use the results of these tests to advise  
68 students of any identified deficiencies in academic disciplines  
69 included on the Grade 8 summative assessment and Grade 11 ACT, and  
70 to provide students in Grades 9 and 12, appropriate evidence-based  
71 remedial education courses of instruction which shall be completed  
72 before high school graduation as authorized under Chapter 20,  
73 Title 37, Mississippi Code of 1972.

74 (c) The curriculum provided under this subsection for  
75 remedial education course instruction shall be identified by the  
76 State Board of Education in its rules promulgated in accordance  
77 with the "Mississippi Remedial Education Act" established in  
78 Chapter 20, Title 37, Mississippi Code of 1972, and shall  
79 encompass postsecondary readiness competencies established by the  
80 Mississippi Community and College Board and the Board of Trustees  
81 of State Institutions of Higher Learning. The program of  
82 instruction shall provide for twelve (12) courses of remediation,



83 to be determined by the State Board of Education, which cover  
84 competencies in mathematics, reading, writing or English language  
85 arts, general and applied science and history, and shall not be  
86 substituted by elective courses for postsecondary mathematics,  
87 reading, writing or English language arts, general and applied  
88 science and history preparatory courses unless the elective course  
89 covers the same curriculum and competencies included in the  
90 postsecondary mathematics, reading, writing or English language  
91 arts, general and applied science and history course of  
92 substitution.

93 (2) By October 31, 2018, the State Board of Education shall  
94 establish by rule the test scores a student must achieve to  
95 demonstrate grade-level proficiency and readiness to perform  
96 college-level work after administering a Grade 8 summative  
97 assessment during the 2018-2019 school term to determine an  
98 approximate minimum cut score on said assessment, and the rules  
99 must specify the following:

100 (a) Students who enter Grades 9 and 12 in a Mississippi  
101 public school who evidence academic proficiency as determined by  
102 scores received on the Grade 8 summative assessment and the Grade  
103 11 ACT shall not be required to enroll in remedial education  
104 course instruction prior to the student's completion of high  
105 school. However, any student who scores below "proficient" on the  
106 Grade 8 summative assessment or who receives a composite score  
107 below 21 on the Grade 11 ACT shall be enrolled in remedial



108 education courses of instruction, provided that such remediation  
109 options are offered by the local school district or  
110 collaboratively with a public postsecondary educational  
111 institution through a dual-enrollment program;

112 (b) Any student who takes the Grade 8 summative  
113 assessment or the Grade 11 ACT, and whose score on the test  
114 indicates a need for remediation, must be advised of all options  
115 for remedial education courses of instruction offered at the  
116 public upper middle or high school, and in instances where such  
117 courses are not offered in the student's district of enrollment,  
118 postsecondary educational institution alternatives for  
119 dual-enrollment;

120 (c) A student who demonstrates readiness by achieving  
121 or exceeding the test scores established by the state board shall  
122 not be required to retest or enroll in remedial education courses  
123 of instruction upon entering Grades 9 and 12 and completing such  
124 requirements as a condition of graduation; and

125 (d) When a student who has been required to undergo  
126 remedial education courses of instruction, the student must take a  
127 specialized English or math course, or both, and take an  
128 alternative assessment to test out of remediation by passing the  
129 course with a score of eighty percent (80%), evidencing  
130 proficiency in the remedial education courses of instruction in  
131 which the student was enrolled, in addition to having satisfied



132 all other requirements established by the local school board for  
133 graduation.

134 (3) (a) The board of trustees of each public school  
135 district shall develop a plan to implement remedial education  
136 courses of instruction strategies and rules established by the  
137 State Board of Education. The plan must be submitted to the  
138 Commissioner of Higher Education and the Executive Director of the  
139 Mississippi Community College Board for approval no later than  
140 March 1, 2019, for implementation no later than the fall semester  
141 of the immediately succeeding school term. Each plan must  
142 include, at a minimum, local policies that outline:

143 (i) Documented student achievements such as grade  
144 point averages, work history, military experience, participation  
145 in juried competitions, career interests or any combination of  
146 such achievements that the institution may consider, in addition  
147 to Grade 8 summative assessment and end-of-course subject area  
148 test scores, for advising students regarding enrollment options;

149 (ii) Remedial education course instruction  
150 strategies available to students;

151 (iii) Provisions for the collection of student  
152 success data; and

153 (iv) A comprehensive plan for advising students  
154 into appropriate remedial education course instruction strategies  
155 based on student success data.



156 (b) Beginning October 31, 2018, and each year  
157 thereafter, each local school shall annually prepare an  
158 accountability report that includes student success data relating  
159 to each remedial education course of instruction strategy  
160 implemented by the district and submit the report to the State  
161 Board of Education in a format determined by the State Department  
162 of Education. By December 31, 2018, the State Superintendent of  
163 Public Education shall compile and submit the district reports to  
164 the Governor, the President of the Senate, the Speaker of the  
165 House of Representatives and the Joint Legislative Committee on  
166 Performance Evaluation and Expenditure Review (PEER).

167 **SECTION 3.** Section 37-15-38, Mississippi Code of 1972, is  
168 amended as follows:

169 37-15-38. (1) The following phrases have the meanings  
170 ascribed in this section unless the context clearly requires  
171 otherwise:

172 (a) A dual enrolled student is a student who is  
173 enrolled in a community or junior college or state institution of  
174 higher learning while enrolled in high school.

175 (b) A dual credit student is a student who is enrolled  
176 in a community or junior college or state institution of higher  
177 learning while enrolled in high school and who is receiving high  
178 school and college credit for postsecondary coursework.

179 (2) A local school board, the Board of Trustees of State  
180 Institutions of Higher Learning and the Mississippi Community



181 College Board shall establish a dual enrollment system under which  
182 students in the school district who meet the prescribed criteria  
183 of this section may be enrolled in a postsecondary institution in  
184 Mississippi while they are still in school.

185       (3) **Dual credit eligibility.** Before credits earned by a  
186 qualified high school student from a community or junior college  
187 or state institution of higher learning may be transferred to the  
188 student's home school district, the student must be properly  
189 enrolled in a dual enrollment program.

190       (4) **Admission criteria for dual enrollment in community and**  
191 **junior college or university programs.** The Mississippi Community  
192 College Board and the Board of Trustees of State Institutions of  
193 Higher Learning may recommend to the State Board of Education  
194 admission criteria for dual enrollment programs under which high  
195 school students may enroll at a community or junior college or  
196 university while they are still attending high school and enrolled  
197 in high school courses. Students may be admitted to enroll in  
198 community or junior college courses under the dual enrollment  
199 programs if they meet that individual institution's stated dual  
200 enrollment admission requirements.

201       (5) **Tuition and cost responsibility.** Tuition and costs for  
202 university-level courses and community and junior college courses  
203 offered under a dual enrollment program may be paid for by the  
204 postsecondary institution, the local school district, the parents  
205 or legal guardians of the student, or by grants, foundations or





206 other private or public sources. Payment for tuition and any  
207 other costs must be made directly to the credit-granting  
208 institution.

209       (6) **Transportation responsibility.** Any transportation  
210 required by a student to participate in the dual enrollment  
211 program is the responsibility of the parent, custodian or legal  
212 guardian of the student. Transportation costs may be paid from  
213 any available public or private sources, including the local  
214 school district.

215       (7) **School district average daily attendance credit.** When  
216 dually enrolled, the student may be counted, for adequate  
217 education program funding purposes, in the average daily  
218 attendance of the public school district in which the student  
219 attends high school.

220       (8) **High school student transcript transfer requirements.**  
221 Grades and college credits earned by a student admitted to a dual  
222 credit program must be recorded on the high school student record  
223 and on the college transcript at the university or community or  
224 junior college where the student attends classes. The transcript  
225 of the university or community or junior college coursework may be  
226 released to another institution or applied toward college  
227 graduation requirements.

228       (9) **Determining factor of prerequisites for dual enrollment**  
229 **courses.** Each university and community or junior college  
230 participating in a dual enrollment program shall determine course



231 prerequisites. Course prerequisites shall be the same for dual  
232 enrolled students as for regularly enrolled students at that  
233 university or community or junior college.

234 (10) **Process for determining articulation of curriculum**  
235 **between high school, university, and community and junior college**  
236 **courses.** All dual credit courses must meet the standards  
237 established at the postsecondary level. Postsecondary level  
238 developmental courses may not be considered as meeting the  
239 requirements of the dual credit program. Dual credit memorandum  
240 of understandings must be established between each postsecondary  
241 institution and the school district implementing a dual credit  
242 program.

243 (11) [Deleted]

244 (12) **Eligible courses for dual credit programs.** Courses  
245 eligible for dual credit include, but are not necessarily limited  
246 to, foreign languages, advanced math courses, advanced science  
247 courses, performing arts, advanced business and technology, and  
248 career and technical courses. Distance Learning Collaborative  
249 Program courses approved under Section 37-67-1 shall be fully  
250 eligible for dual credit. All courses being considered for dual  
251 credit must receive unconditional approval from the superintendent  
252 of the local school district and the chief instructional officer  
253 at the participating community or junior college or university in  
254 order for college credit to be awarded. A university or community



255 or junior college shall make the final decision on what courses  
256 are eligible for semester hour credits.

257 (13) **High school Carnegie unit equivalency.** One (1)  
258 three-hour university or community or junior college course is  
259 equal to one (1) high school Carnegie unit.

260 (14) **Course alignment.** The universities, community and  
261 junior colleges and the State Department of Education shall  
262 periodically review their respective policies and assess the place  
263 of dual credit courses within the context of their traditional  
264 offerings.

265 (15) **Maximum dual credits allowed.** It is the intent of the  
266 dual enrollment program to make it possible for every eligible  
267 student who desires to earn a semester's worth of college credit  
268 in high school to do so. A qualified dually enrolled high school  
269 student must be allowed to earn an unlimited number of college or  
270 university credits for dual credit.

271 (16) **Dual credit program allowances.** A student may be  
272 granted credit delivered through the following means:

273 (a) Examination preparation taught at a high school by  
274 a qualified teacher. A student may receive credit at the  
275 secondary level after completion of an approved course and passing  
276 the standard examination, such as an Advanced Placement or  
277 International Baccalaureate course through which a high school  
278 student is allowed CLEP credit by making a three (3) or higher on  
279 the end-of-course examination.



280 (b) College or university courses taught at a high  
281 school or designated postsecondary site by a qualified teacher who  
282 is an employee of the school district and approved as an  
283 instructor by the collaborating college or university.

284 (c) College or university courses taught at a college,  
285 university or high school by an instructor employed by the college  
286 or university and approved by the collaborating school district.

287 (d) Online courses of any public university, community  
288 or junior college in Mississippi.

289 (17) **Qualifications of dual credit instructors.** A dual  
290 credit academic instructor must meet the requirements set forth by  
291 the regional accrediting association (Southern Association of  
292 College and Schools). University and community and junior college  
293 personnel have the sole authority in the selection of dual credit  
294 instructors.

295 A dual credit career and technical education instructor must  
296 meet the requirements set forth by the Mississippi Community  
297 College Board in the qualifications manual for postsecondary  
298 career and technical personnel.

299 (18) **Guidance on local agreements.** The Chief Academic  
300 Officer of the State Board of Trustees of State Institutions of  
301 Higher Learning and the Chief Instructional Officers of the  
302 Mississippi Community College Board and the State Department of  
303 Education, working collaboratively, shall develop a template to be  
304 used by the individual community and junior colleges and



305 institutions of higher learning for consistent implementation of  
306 the dual enrollment program throughout the State of Mississippi.

307 (19) **Mississippi Works Dual Enrollment-Dual Credit Option.**

308 A local school board and the local community colleges board shall  
309 establish a Mississippi Works Dual Enrollment-Dual Credit Option  
310 Program under which potential or recent student dropouts may  
311 dually enroll in their home school and a local community college  
312 in a dual credit program consisting of high school completion  
313 coursework and a community college credential, certificate or  
314 degree program. Students completing the dual enrollment-credit  
315 option may obtain their high school diploma while obtaining a  
316 community college credential, certificate or degree. The  
317 Mississippi Department of Employment Security shall assist  
318 students who have successfully completed the Mississippi Works  
319 Dual Enrollment-Dual Credit Option in securing a job upon the  
320 application of the student or the participating school or  
321 community college. The Mississippi Works Dual Enrollment-Dual  
322 Credit Option Program will be implemented statewide in the  
323 2012-2013 school year and thereafter. The State Board of  
324 Education, local school board and the local community college  
325 board shall establish criteria for the Dual Enrollment-Dual Credit  
326 Program. Students enrolled in the program will not be eligible to  
327 participate in interscholastic sports or other extracurricular  
328 activities at the home school district. Tuition and costs for  
329 community college courses offered under the Dual Enrollment-Dual



330 Credit Program shall not be charged to the student, parents or  
331 legal guardians. When dually enrolled, the student shall be  
332 counted for adequate education program funding purposes, in the  
333 average daily attendance of the public school district in which  
334 the student attends high school, as provided in Section  
335 37-151-7(1)(a). Any transportation required by the student to  
336 participate in the Dual Enrollment-Dual Credit Program is the  
337 responsibility of the parent or legal guardian of the student, and  
338 transportation costs may be paid from any available public or  
339 private sources, including the local school district. Grades and  
340 college credits earned by a student admitted to this Dual  
341 Enrollment-Dual Credit Program shall be recorded on the high  
342 school student record and on the college transcript at the  
343 community college and high school where the student attends  
344 classes. The transcript of the community college coursework may  
345 be released to another institution or applied toward college  
346 graduation requirements. Any course that is required for subject  
347 area testing as a requirement for graduation from a public school  
348 in Mississippi is eligible for dual credit, and courses eligible  
349 for dual credit shall also include career, technical and degree  
350 program courses, and any course that is required of a student as a  
351 component of a remedial education course of instruction  
352 successfully completed before high school graduation. All courses  
353 eligible for dual credit shall be approved by the superintendent  
354 of the local school district and the chief instructional officer



355 at the participating community college in order for college credit  
356 to be awarded. A community college shall make the final decision  
357 on what courses are eligible for semester hour credits and the  
358 local school superintendent, subject to approval by the  
359 Mississippi Department of Education, shall make the final decision  
360 on the transfer of college courses credited to the student's high  
361 school transcript.

362         **SECTION 4.** Section 37-16-3, Mississippi Code of 1972, is  
363 brought forward as follows:

364         37-16-3. (1) The State Department of Education is directed  
365 to implement a program of statewide assessment testing which shall  
366 provide for the improvement of the operation and management of the  
367 public schools. The statewide program shall be timed, as far as  
368 possible, so as not to conflict with ongoing district assessment  
369 programs. As part of the program, the department shall:

370             (a) Establish, with the approval of the State Board of  
371 Education, minimum performance standards related to the goals for  
372 education contained in the state's plan including, but not limited  
373 to, basic skills in reading, writing and mathematics. The minimum  
374 performance standards shall be approved by April 1 in each year  
375 they are established.

376             (b) Conduct a uniform statewide testing program in  
377 grades deemed appropriate in the public schools, including charter  
378 schools. The program may test skill areas, basic skills and high  
379 school course content.



380           (c) Monitor the results of the assessment program and,  
381 at any time the composite student performance of a school or basic  
382 program is found to be below the established minimum standards,  
383 notify the district superintendent or the governing board of the  
384 charter school, as the case may be, the school principal and the  
385 school advisory committee or other existing parent group of the  
386 situation within thirty (30) days of its determination. The  
387 department shall further provide technical assistance to a school  
388 district in the identification of the causes of this deficiency  
389 and shall recommend courses of action for its correction.

390           (d) Provide technical assistance to the school  
391 districts, when requested, in the development of student  
392 performance standards in addition to the established minimum  
393 statewide standards.

394           (e) Issue security procedure regulations providing for  
395 the security and integrity of the tests that are administered  
396 under the basic skills assessment program.

397           (f) In case of an allegation of a testing irregularity  
398 that prompts a need for an investigation by the Department of  
399 Education, the department may, in its discretion, take complete  
400 control of the statewide test administration in a school district  
401 or any part thereof, including, but not limited to, obtaining  
402 control of the test booklets and answer documents. In the case of  
403 any verified testing irregularity that jeopardized the security  
404 and integrity of the test(s), validity or the accuracy of the test





405 results, the cost of the investigation and any other actual and  
406 necessary costs related to the investigation paid by the  
407 Department of Education shall be reimbursed by the local school  
408 district from funds other than federal funds, Mississippi Adequate  
409 Education Program funds, or any other state funds within six (6)  
410 months from the date of notice by the department to the school  
411 district to make reimbursement to the department.

412 (2) Uniform basic skills tests shall be completed by each  
413 student in the appropriate grade. These tests shall be  
414 administered in such a manner as to preserve the integrity and  
415 validity of the assessment. In the event of excused or unexcused  
416 student absences, make-up tests shall be given. The school  
417 superintendent of every school district in the state and the  
418 principal of each charter school shall annually certify to the  
419 State Department of Education that each student enrolled in the  
420 appropriate grade has completed the required basic skills  
421 assessment test for his or her grade in a valid test  
422 administration.

423 (3) Within five (5) days of completing the administration of  
424 a statewide test, the principal of the school where the test was  
425 administered shall certify under oath to the State Department of  
426 Education that the statewide test was administered in strict  
427 accordance with the Requirements of the Mississippi Statewide  
428 Assessment System as adopted by the State Board of Education. The  
429 principal's sworn certification shall be set forth on a form



430 developed and approved by the Department of Education. If,  
431 following the administration of a statewide test, the principal  
432 has reason to believe that the test was not administered in strict  
433 accordance with the Requirements of the Mississippi Statewide  
434 Assessment System as adopted by the State Board of Education, the  
435 principal shall submit a sworn certification to the Department of  
436 Education setting forth all information known or believed by the  
437 principal about all potential violations of the Requirements of  
438 the Mississippi Statewide Assessment System as adopted by the  
439 State Board of Education. The submission of false information or  
440 false certification to the Department of Education by any licensed  
441 educator may result in licensure disciplinary action pursuant to  
442 Section 37-3-2 and criminal prosecution pursuant to Section  
443 37-16-4.

444       **SECTION 5.** Section 37-20-3, Mississippi Code of 1972, is  
445 amended as follows:

446       37-20-3. The purpose of this chapter is to provide  
447 supplemental funds to each school district to be used for the sole  
448 purpose of providing direct remedial instruction to those students  
449 enrolled in the K-12 program who have need of \* \* \* educational  
450 assistance in order that their level of educational attainment may  
451 be raised to that appropriate for their age as determined by their  
452 level of performance on the Grade 8 summative assessment and the  
453 ACT administered in Grade 11. It is the intent of the Legislature  
454 that each school district utilize the instructional programs



455 which, in the professional opinion of the local school officials,  
456 will be most effective and that the effectiveness of this program  
457 be evaluated in terms of the increase in student achievement in  
458 the basic skills of reading, mathematics and writing as measured  
459 by pretest and post-test of each student receiving special  
460 educational assistance from the funds provided by this chapter.

461 **SECTION 6.** Section 37-20-7, Mississippi Code of 1972, is  
462 brought forward as follows:

463 37-20-7. (1) To be eligible to receive funds under this  
464 chapter a school district shall describe in writing its remedial  
465 education program. The description shall include all special  
466 remedial and compensatory instruction to be provided by the  
467 district from all fund sources. The district description shall  
468 include a description of the program to be conducted at each  
469 separate school or location in the district and shall include the  
470 estimated number of students to participate in the program; the  
471 estimated number of teachers, volunteers and others to be utilized  
472 in the program; and the estimated budget for each such program.

473 (2) The programs provided by funds received under this  
474 chapter shall meet the following criteria:

475 (a) Each participating student must be determined by  
476 the school district, on the basis of the district's assessment  
477 tests, to need special educational assistance in order that the  
478 student's level of educational attainment in basic skills may be  
479 raised to that appropriate for children of the student's age.



480 (b) The program must be based on performance objectives  
481 related to educational achievement in the basic skills and provide  
482 supplementary services designed to meet the special educational  
483 needs of each participating student.

484 (c) The program must be evaluated in a manner  
485 consistent with the performance objectives and include a pretest  
486 and a post-test for each participating student. The evaluation  
487 may use local measures designed to measure the local instructional  
488 management plan.

489 (d) The state and local funds expended in the program  
490 must be accounted for separately from all other funds expended by  
491 the district.

492 (e) The program must establish a teacher support team  
493 in each building wherein the program is implemented to play a key  
494 role in determining the instructional services required by a  
495 child.

496 **SECTION 7.** Section 37-20-5, Mississippi Code of 1972, is  
497 amended as follows:

498 37-20-5. The funds which may be appropriated annually for  
499 this chapter shall be based on a formula developed by the State  
500 Department of Education and allocated to each school district on  
501 the basis of (a) the number of students whose scores on the Basic  
502 Skills Assessment Program (BSAP) tests are at the twenty-fifth  
503 percentile or below, and (b) the number of students identified as  
504 failing any section of the \* \* \* Grade 8 summative assessment and



505 failing to receive the established composite score on the ACT  
506 administered in Grade 11.

507 **SECTION 8.** Section 37-20-9, Mississippi Code of 1972, is  
508 brought forward as follows:

509 37-20-9. (1) The State Department of Education shall  
510 provide technical assistance to districts and carry out the  
511 responsibilities of reviewing, monitoring and evaluating the  
512 programs conducted under this chapter.

513 (2) The State Board of Education shall adopt rules which, in  
514 its opinion, are necessary to assure that the programs in each  
515 school district are carried out in a manner consistent with the  
516 purpose and intent of this chapter. The State Board of Education  
517 shall develop a procedure for approving or denying local program  
518 applications within sixty (60) days of their receipt by the State  
519 Department of Education. The State Department of Education shall  
520 include in its annual report the number of students participating  
521 in programs under this chapter, the extent to which student  
522 achievement has increased, the programs which appear to be most  
523 successful, and an analysis of the expenditure of funds by  
524 district.

525 **SECTION 9.** This act shall take effect and be in force from  
526 and after July 1, 2018.

