

By: Representatives Chism, Miles, Hughes, McNeal, Powell, Arnold, Carpenter, Turner, Staples, Rushing, Tullos, Mangold, Rogers (14th), Boyd, Patterson, Kinkade, Ford, Wilson

To: Education

HOUSE BILL NO. 411

1 AN ACT TO REQUIRE THE DISCONTINUATION OF END-OF-COURSE
2 SUBJECT AREA TESTING IN PUBLIC HIGH SCHOOLS; TO REQUIRE ALL HIGH
3 SCHOOL STUDENTS TO TAKE THE ACT TEST AND TO ACHIEVE A MINIMUM
4 SCORE ESTABLISHED BY THE STATE BOARD OF EDUCATION AS A CONDITION
5 FOR GRADUATION; TO AMEND SECTIONS 37-16-7, 37-3-49, 37-15-38,
6 37-16-17 AND 37-35-3, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO
7 THE PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Beginning in the 2018-2019 school year, the State
10 Board of Education shall cease to require the administration of
11 all end-of-course subject area tests. In lieu of the
12 end-of-course tests, as a condition for graduation, students
13 enrolled in the public schools must achieve a satisfactory score
14 on the ACT test. The State Board of Education shall adopt a
15 policy requiring the administration of the ACT test to all
16 students and shall establish the minimum score, which may be
17 increased from time to time, which is required for a student to
18 meet the requirements for a standard Mississippi high school
19 diploma.



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

22 37-16-7. (1) Each district school board shall establish
23 standards for graduation from its schools which shall include as a
24 minimum:

25 (a) Mastery of minimum academic skills as measured
26 by * * * the attainment of a satisfactory score, as established by
27 the State Board of Education * * *, on the ACT test; and

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

31 (* * * 2) The school board of each school district shall
32 maintain, by school, information on high school graduation rates.
33 High schools with graduation rates lower than eighty percent (80%)
34 must submit a detailed plan to the * * * State Department of
35 Education to restructure the high school experience to improve
36 graduation rates.

37 (* * * 3) A student who meets all requirements prescribed in
38 subsection (1) of this section shall be awarded a standard diploma
39 in a form prescribed by the State Board of Education.

40 (* * * 4) The State Board of Education may establish student
41 proficiency standards for promotion to grade levels leading to
42 graduation.

43 **SECTION 3.** Section 37-3-49, Mississippi Code of 1972, is
44 amended as follows:



45 37-3-49. (1) The State Department of Education shall
46 provide an instructional program and establish guidelines and
47 procedures for managing such program in the public schools within
48 the school districts throughout the state as part of the State
49 Program of Educational Accountability and Assessment of
50 Performance as prescribed in Section 37-3-46. Public school
51 districts may (a) elect to adopt the instructional program and
52 management system provided by the State Department of Education,
53 or (b) elect to adopt an instructional program and management
54 system which meets or exceeds criteria established by the State
55 Department of Education for such. This provision shall begin with
56 the courses taught in Grades K-8 which contain skills tested
57 through the Mississippi Basic Skills Assessment Program and shall
58 proceed through all secondary school courses mandated for
59 graduation * * *. Other state core objectives must be included in
60 the district's instructional program as they are provided by the
61 State Department of Education along with instructional practices,
62 resources, evaluation items and management procedures. Districts
63 are encouraged to adapt this program and accompanying procedures
64 to all other instructional areas. The department shall provide
65 that such program and guidelines, or a program and guidelines
66 developed by a local school district which incorporates the core
67 objectives from the curriculum structure are enforced through the
68 performance-based accreditation system. It is the intent of the
69 Legislature that every effort be made to protect the instructional



70 time in the classroom and reduce the amount of paperwork which
71 must be completed by teachers. The State Department of Education
72 shall take steps to insure that school districts properly use
73 staff development time to work on the districts' instructional
74 management plans.

75 (2) The State Department of Education shall provide such
76 instructional program and management guidelines which shall
77 require for every public school district that:

78 (a) All courses taught in Grades K-8 which contain
79 skills which are tested through the Mississippi Basic Skills
80 Assessment Program * * * and all secondary school courses mandated
81 for graduation * * * shall include the State Department of
82 Education's written list of learning objectives.

83 (b) The local school board must adopt the objectives
84 that will form the core curriculum which will be systematically
85 delivered throughout the district.

86 (c) The set of objectives provided by the State
87 Department of Education must be accompanied by suggested
88 instructional practices and resources that would help teachers
89 organize instruction so as to promote student learning of the
90 objectives. Objectives added by the school district must also be
91 accompanied by suggested instructional practices and resources
92 that would help teachers organize instruction. The instructional
93 practices and resources that are identified are to be used as
94 suggestions and not as requirements that teachers must follow.



95 The goal of the program is to have students to achieve the desired
96 objective and not to limit teachers in the way they teach.

97 (d) Standards for student performance must be
98 established for each core objective in the local program and those
99 standards establish the district's definition of mastery for each
100 objective.

101 (e) There shall be an annual review of student
102 performance in the instructional program against locally
103 established standards. When weaknesses exist in the local
104 instructional program, the district shall take action to improve
105 student performance.

106 (3) The State Board of Education and the board of trustees
107 of each school district shall adopt policies to limit and reduce
108 the number and length of written reports that classroom teachers
109 are required to prepare.

110 (4) This section shall not be construed to limit teachers
111 from using their own professional skills to help students master
112 instructional objectives, nor shall it be construed as a call for
113 more detailed or complex lesson plans or any increase in testing
114 at the local school district level.

115 (5) Districts meeting the highest levels of accreditation
116 standards, as defined by the State Board of Education, shall be
117 exempted from the provisions of subsection (2) of this section.

118 **SECTION 4.** Section 37-15-38, Mississippi Code of 1972, is
119 amended as follows:



120 37-15-38. (1) The following phrases have the meanings
121 ascribed in this section unless the context clearly requires
122 otherwise:

123 (a) A dual enrolled student is a student who is
124 enrolled in a community or junior college or state institution of
125 higher learning while enrolled in high school.

126 (b) A dual credit student is a student who is enrolled
127 in a community or junior college or state institution of higher
128 learning while enrolled in high school and who is receiving high
129 school and college credit for postsecondary coursework.

130 (2) A local school board, the Board of Trustees of State
131 Institutions of Higher Learning and the Mississippi Community
132 College Board shall establish a dual enrollment system under which
133 students in the school district who meet the prescribed criteria
134 of this section may be enrolled in a postsecondary institution in
135 Mississippi while they are still in school.

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

141 (4) **Admission criteria for dual enrollment in community and**
142 **junior college or university programs.** The Mississippi Community
143 College Board and the Board of Trustees of State Institutions of
144 Higher Learning may recommend to the State Board of Education



145 admission criteria for dual enrollment programs under which high
146 school students may enroll at a community or junior college or
147 university while they are still attending high school and enrolled
148 in high school courses. Students may be admitted to enroll in
149 community or junior college courses under the dual enrollment
150 programs if they meet that individual institution's stated dual
151 enrollment admission requirements.

152 (5) **Tuition and cost responsibility.** Tuition and costs for
153 university-level courses and community and junior college courses
154 offered under a dual enrollment program may be paid for by the
155 postsecondary institution, the local school district, the parents
156 or legal guardians of the student, or by grants, foundations or
157 other private or public sources. Payment for tuition and any
158 other costs must be made directly to the credit-granting
159 institution.

160 (6) **Transportation responsibility.** Any transportation
161 required by a student to participate in the dual enrollment
162 program is the responsibility of the parent, custodian or legal
163 guardian of the student. Transportation costs may be paid from
164 any available public or private sources, including the local
165 school district.

166 (7) **School district average daily attendance credit.** When
167 dually enrolled, the student may be counted, for adequate
168 education program funding purposes, in the average daily



169 attendance of the public school district in which the student
170 attends high school.

171 (8) **High school student transcript transfer requirements.**

172 Grades and college credits earned by a student admitted to a dual
173 credit program must be recorded on the high school student record
174 and on the college transcript at the university or community or
175 junior college where the student attends classes. The transcript
176 of the university or community or junior college coursework may be
177 released to another institution or applied toward college
178 graduation requirements.

179 (9) **Determining factor of prerequisites for dual enrollment**

180 **courses.** Each university and community or junior college
181 participating in a dual enrollment program shall determine course
182 prerequisites. Course prerequisites shall be the same for dual
183 enrolled students as for regularly enrolled students at that
184 university or community or junior college.

185 (10) **Process for determining articulation of curriculum**
186 **between high school, university, and community and junior college**

187 **courses.** All dual credit courses must meet the standards
188 established at the postsecondary level. Postsecondary level
189 developmental courses may not be considered as meeting the
190 requirements of the dual credit program. Dual credit memorandum
191 of understandings must be established between each postsecondary
192 institution and the school district implementing a dual credit
193 program.



194 (11) [Deleted]

195 (12) **Eligible courses for dual credit programs.** Courses
196 eligible for dual credit include, but are not necessarily limited
197 to, foreign languages, advanced math courses, advanced science
198 courses, performing arts, advanced business and technology, and
199 career and technical courses. Distance Learning Collaborative
200 Program courses approved under Section 37-67-1 shall be fully
201 eligible for dual credit. All courses being considered for dual
202 credit must receive unconditional approval from the superintendent
203 of the local school district and the chief instructional officer
204 at the participating community or junior college or university in
205 order for college credit to be awarded. A university or community
206 or junior college shall make the final decision on what courses
207 are eligible for semester hour credits.

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

211 (14) **Course alignment.** The universities, community and
212 junior colleges and the State Department of Education shall
213 periodically review their respective policies and assess the place
214 of dual credit courses within the context of their traditional
215 offerings.

216 (15) **Maximum dual credits allowed.** It is the intent of the
217 dual enrollment program to make it possible for every eligible
218 student who desires to earn a semester's worth of college credit



219 in high school to do so. A qualified dually enrolled high school
220 student must be allowed to earn an unlimited number of college or
221 university credits for dual credit.

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

224 (a) Examination preparation taught at a high school by
225 a qualified teacher. A student may receive credit at the
226 secondary level after completion of an approved course and passing
227 the standard examination, such as an Advanced Placement or
228 International Baccalaureate course through which a high school
229 student is allowed CLEP credit by making a three (3) or higher on
230 the end-of-course examination.

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

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

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

240 (17) **Qualifications of dual credit instructors.** A dual
241 credit academic instructor must meet the requirements set forth by
242 the regional accrediting association (Southern Association of
243 College and Schools). University and community and junior college



244 personnel have the sole authority in the selection of dual credit
245 instructors.

246 A dual credit career and technical education instructor must
247 meet the requirements set forth by the Mississippi Community
248 College Board in the qualifications manual for postsecondary
249 career and technical personnel.

250 (18) **Guidance on local agreements.** The Chief Academic
251 Officer of the State Board of Trustees of State Institutions of
252 Higher Learning and the Chief Instructional Officers of the
253 Mississippi Community College Board and the State Department of
254 Education, working collaboratively, shall develop a template to be
255 used by the individual community and junior colleges and
256 institutions of higher learning for consistent implementation of
257 the dual enrollment program throughout the State of Mississippi.

258 (19) **Mississippi Works Dual Enrollment-Dual Credit Option.**
259 A local school board and the local community colleges board shall
260 establish a Mississippi Works Dual Enrollment-Dual Credit Option
261 Program under which potential or recent student dropouts may
262 dually enroll in their home school and a local community college
263 in a dual credit program consisting of high school completion
264 coursework and a community college credential, certificate or
265 degree program. Students completing the dual enrollment-credit
266 option may obtain their high school diploma while obtaining a
267 community college credential, certificate or degree. The
268 Mississippi Department of Employment Security shall assist



269 students who have successfully completed the Mississippi Works
270 Dual Enrollment-Dual Credit Option in securing a job upon the
271 application of the student or the participating school or
272 community college. The Mississippi Works Dual Enrollment-Dual
273 Credit Option Program will be implemented statewide in the
274 2012-2013 school year and thereafter. The State Board of
275 Education, local school board and the local community college
276 board shall establish criteria for the Dual Enrollment-Dual Credit
277 Program. Students enrolled in the program will not be eligible to
278 participate in interscholastic sports or other extracurricular
279 activities at the home school district. Tuition and costs for
280 community college courses offered under the Dual Enrollment-Dual
281 Credit Program shall not be charged to the student, parents or
282 legal guardians. When dually enrolled, the student shall be
283 counted for adequate education program funding purposes, in the
284 average daily attendance of the public school district in which
285 the student attends high school, as provided in Section
286 37-151-7(1)(a). Any transportation required by the student to
287 participate in the Dual Enrollment-Dual Credit Program is the
288 responsibility of the parent or legal guardian of the student, and
289 transportation costs may be paid from any available public or
290 private sources, including the local school district. Grades and
291 college credits earned by a student admitted to this Dual
292 Enrollment-Dual Credit Program shall be recorded on the high
293 school student record and on the college transcript at the



294 community college and high school where the student attends
295 classes. The transcript of the community college coursework may
296 be released to another institution or applied toward college
297 graduation requirements. * * * Courses eligible for dual
298 credit * * * include career, technical and degree program courses.
299 All courses eligible for dual credit shall be approved by the
300 superintendent of the local school district and the chief
301 instructional officer at the participating community college in
302 order for college credit to be awarded. A community college shall
303 make the final decision on what courses are eligible for semester
304 hour credits and the local school superintendent, subject to
305 approval by the Mississippi Department of Education, shall make
306 the final decision on the transfer of college courses credited to
307 the student's high school transcript.

308 **SECTION 5.** Section 37-16-17, Mississippi Code of 1972, is
309 amended as follows:

310 37-16-17. (1) Purpose. (a) The purpose of this section is
311 to create a quality option in Mississippi's high schools for
312 students not wishing to pursue a baccalaureate degree, which shall
313 consist of challenging academic courses and modern
314 career-technical studies. The goal for students pursuing the
315 career track is to graduate from high school with a standard
316 diploma and credit toward a community college certification in a
317 career-technical field. These students also shall be encouraged



318 to take the national assessment in the career-technical field in
319 which they become certified.

320 (b) The State Board of Education shall develop and
321 adopt course and curriculum requirements for career track programs
322 offered by local public school boards in accordance with this
323 section. The Mississippi Community College Board and the State
324 Board of Education jointly shall determine course and curriculum
325 requirements for the career track program.

326 (2) Alternative career track; description; curriculum. (a)
327 A career track shall provide a student with greater technical
328 skill and a strong academic core and shall be offered to each high
329 school student enrolled in a public school district. The career
330 track program shall be linked to postsecondary options and shall
331 prepare students to pursue either a degree or certification from a
332 postsecondary institution, an industry-based training or
333 certification, an apprenticeship, the military, or immediate
334 entrance into a career field. The career track shall be designed
335 primarily for those students who are not college bound and shall
336 provide them with alternatives to entrance into a four-year
337 university or college after high school graduation.

338 (b) Students pursuing a career track shall be afforded
339 the opportunity to dually enroll in a community or technical
340 college or to participate in a business internship or work-study
341 program, when such opportunities are available and appropriate.



342 (c) Each public school district shall offer a career
343 track program approved by the State Board of Education.

344 (d) Students in a career track program shall complete
345 an academic core of courses and a career and technical sequence of
346 courses.

347 (e) The twenty-one (21) course unit requirements for
348 the career track shall consist of the following:

349 (i) At least four (4) English credits, including
350 English I and English II.

351 (ii) At least three (3) mathematics credits,
352 including Algebra I.

353 (iii) At least three (3) science credits,
354 including one (1) unit of biology.

355 (iv) At least three (3) social studies credits,
356 including one (1) unit of U.S. History and one (1) unit of
357 Mississippi Studies/U.S. Government.

358 (v) At least one-half (1/2) credit in health or
359 physical education.

360 (vi) At least four (4) credits in career and
361 technical education courses in the dual enrollment-dual credit
362 programs authorized under Section 37-15-38.

363 (vii) At least one (1) credit in integrated
364 technology * * *.

365 (viii) At least two and one-half (2-1/2) credits
366 in additional electives or career and technical education courses



367 required by the local school board, as approved by the State Board
368 of Education. Academic courses within the career track of the
369 standard diploma shall provide the knowledge and skill necessary
370 for proficiency on the * * * ACT test.

371 (3) Nothing in this section shall disallow the development
372 of a dual enrollment program with a technical college so long as
373 an individual school district, with approval from the State
374 Department of Education, agrees to implement such a program in
375 connection with a technical college and the agreement is also
376 approved by the proprietary school's commission.

377 (4) The career track program for students not pursuing a
378 Baccalaureate Degree shall not be available to any student
379 entering the Ninth Grade in the 2017-2018 school year or
380 thereafter.

381 **SECTION 6.** Section 37-35-3, Mississippi Code of 1972, is
382 amended as follows:

383 37-35-3. (1) The board of trustees of any school district,
384 including any community/junior college, may establish and maintain
385 classes for adults, including general educational development
386 classes, under the regulations authorized in this chapter and
387 pursuant to the standards prescribed in subsection (3). The
388 property and facilities of the public school districts may be used
389 for this purpose where such use does not conflict with uses
390 already established.



391 (2) The trustees of any school district desiring to
392 establish such program may request the taxing authority of the
393 district to levy additional ad valorem taxes for the support of
394 this program. The board of supervisors, in the case of a county
395 school district, a special municipal separate school district, or
396 a community/junior college district, and the governing authority
397 of any municipality, in the case of a municipal separate school
398 district, is authorized, in its discretion, to levy a tax not
399 exceeding one (1) mill upon all the taxable property of the
400 district for the support of this program. The tax shall be in
401 addition to all other taxes authorized by law to be levied. In
402 addition to the funds realized from any such levy, the board of
403 trustees of any school district is authorized to use any surplus
404 funds that it may have or that may be made available to it from
405 local sources to supplement this program.

406 (3) (a) Any student participating in an approved High
407 School Equivalency Diploma Option program administered by a local
408 school district or a local school district with an approved
409 contractual agreement with a community/junior college or other
410 local entity shall not be considered a dropout. Students in such
411 a program administered by a local school district shall be
412 considered as enrolled within the school district of origin for
413 the purpose of enrollment for minimum program funding only. Such
414 students shall not be considered as enrolled in the regular school
415 program for academic or programmatic purposes.



416 (b) Students participating in an approved High School
417 Equivalency Diploma Option program shall have an individual career
418 plan developed at the time of placement to insure that the
419 student's academic and job skill needs will be met. The
420 Individual Career Plan will address, but is not limited to, the
421 following:

422 (i) Academic/instructional needs of the student;
423 (ii) Job readiness needs of the student; and
424 (iii) Work experience program options available
425 for the student.

426 (c) Students participating in an approved High School
427 Equivalency Diploma Option program may participate in existing job
428 and skills development programs or in similar programs developed
429 in conjunction with the High School Equivalency Diploma Option
430 program and the vocational director.

431 (d) High School Equivalency Diploma Option programs may
432 be operated by local school districts or may be operated by two
433 (2) or more adjacent school districts, pursuant to a contract
434 approved by the State Board of Education. When two (2) or more
435 school districts contract to operate a High School Equivalency
436 Diploma Option program, the school board of a district designated
437 to be the lead district shall serve as the governing board of the
438 High School Equivalency Diploma Option program. Transportation
439 for students placed in the High School Equivalency Diploma Option
440 program shall be the responsibility of the school district of



441 origin. The expense of establishing, maintaining and operating
442 such High School Equivalency Diploma Option programs may be paid
443 from funds made available to the school district through
444 contributions, minimum program funds or from local district
445 maintenance funds.

446 (e) The State Department of Education will develop
447 procedures and criteria for placement of a student in the High
448 School Equivalency Diploma Option programs. Students placed in
449 High School Equivalency Diploma Option programs shall have
450 parental approval for such placement and must meet the following
451 criteria:

452 (i) The student must be at least sixteen (16)
453 years of age;

454 (ii) The student must be at least one (1) full
455 grade level behind his or her ninth grade cohort or must have
456 acquired less than four (4) Carnegie units;

457 (iii) The student must have taken every
458 opportunity to continue to participate in coursework leading to a
459 diploma; and

460 (iv) The student must be certified to be eligible
461 to participate in the GED course by the school district
462 superintendent, based on the developed criteria.

463 (f) Students participating in an approved High School
464 Equivalency Diploma Option program * * * shall not be required to



465 take the * * * ACT test as a condition of earning a High School
466 Equivalency Diploma.

467 **SECTION 7.** This act shall take effect and be in force from
468 and after July 1, 2018.

