

By: Representative Anderson

To: Education

HOUSE BILL NO. 1279

1 AN ACT TO AMEND SECTIONS 37-16-3, 37-16-5 AND 37-16-9,
 2 MISSISSIPPI CODE OF 1972, WHICH ARE PROVISIONS OF THE STATEWIDE
 3 TESTING PROGRAM, TO REQUIRE THE UNIFORM BASIC SKILLS TESTS TO BE
 4 ADMINISTERED IN THE PRIMARY SPOKEN LANGUAGE OF STUDENTS IDENTIFIED
 5 AS ENGLISH LANGUAGE LEARNERS; TO REQUIRE THE STATE DEPARTMENT OF
 6 EDUCATION TO TRANSLATE AND PRINT THE ASSESSMENTS IN THE
 7 APPROPRIATE LANGUAGE FOR THE APPROPRIATE GRADE LEVELS; TO REQUIRE
 8 SCHOOL DISTRICTS TO REPORT TO THE DEPARTMENT THE NUMBER OF, GRADES
 9 OF AND PRIMARY SPOKEN LANGUAGES OF ALL ENGLISH LANGUAGE LEARNERS
 10 ENROLLED IN ITS SCHOOLS; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 37-16-3, Mississippi Code of 1972, is
 13 amended as follows:

14 37-16-3. (1) The State Department of Education is directed
 15 to implement a program of statewide assessment testing which shall
 16 provide for the improvement of the operation and management of the
 17 public schools. The statewide program shall be timed, as far as
 18 possible, so as not to conflict with ongoing district assessment
 19 programs. As part of the program, the department shall:

20 (a) Establish, with the approval of the State Board of
 21 Education, minimum performance standards related to the goals for
 22 education contained in the state's plan including, but not limited



23 to, basic skills in reading, writing and mathematics. The minimum
24 performance standards shall be approved by April 1 in each year
25 they are established.

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

30 (c) Monitor the results of the assessment program and,
31 at any time the composite student performance of a school or basic
32 program is found to be below the established minimum standards,
33 notify the district superintendent or the governing board of the
34 charter school, as the case may be, the school principal and the
35 school advisory committee or other existing parent group of the
36 situation within thirty (30) days of its determination. The
37 department shall further provide technical assistance to a school
38 district in the identification of the causes of this deficiency
39 and shall recommend courses of action for its correction.

40 (d) Provide technical assistance to the school
41 districts, when requested, in the development of student
42 performance standards in addition to the established minimum
43 statewide standards.

44 (e) Issue security procedure regulations providing for
45 the security and integrity of the tests that are administered
46 under the basic skills assessment program.



47 (f) In case of an allegation of a testing irregularity
48 that prompts a need for an investigation by the Department of
49 Education, the department may, in its discretion, take complete
50 control of the statewide test administration in a school district
51 or any part thereof, including, but not limited to, obtaining
52 control of the test booklets and answer documents. In the case of
53 any verified testing irregularity that jeopardized the security
54 and integrity of the test(s), validity or the accuracy of the test
55 results, the cost of the investigation and any other actual and
56 necessary costs related to the investigation paid by the
57 Department of Education shall be reimbursed by the local school
58 district from funds other than federal funds, Mississippi Adequate
59 Education Program funds, or any other state funds within six (6)
60 months from the date of notice by the department to the school
61 district to make reimbursement to the department.

62 (2) (a) Uniform basic skills tests shall be completed by
63 each student in the appropriate grade. These tests shall be
64 administered in such a manner as to preserve the integrity and
65 validity of the assessment. In the event of excused or unexcused
66 student absences, make-up tests shall be given. The school
67 superintendent of every school district in the state and the
68 principal of each charter school shall annually certify to the
69 State Department of Education that each student enrolled in the
70 appropriate grade has completed the required basic skills



71 assessment test for his or her grade in a valid test
72 administration.

73 (b) The State Department of Education shall ensure that
74 each student to whom the uniform basic skills test is administered
75 is not disadvantaged in the testing process. All students
76 identified by their school districts as English language learners
77 shall be administered the test which has been translated and
78 printed in the students' native or primary spoken language. The
79 translated testing material shall consist of the method of
80 translation and assessment module approved by the State Department
81 of Education and made available to schools and school districts as
82 an appropriate accommodation for English language learners in the
83 assessment process. Each local school district shall make a
84 report to the department of the number and grades of students'
85 whose secondary language is English, as well as those students
86 native or primary spoken language. The department shall then make
87 every necessary effort to have the uniform basic skills tests
88 translated into the appropriate language prior to the
89 administration of the test.

90 (3) Within five (5) days of completing the administration of
91 a statewide test, the principal of the school where the test was
92 administered shall certify under oath to the State Department of
93 Education that the statewide test was administered in strict
94 accordance with the Requirements of the Mississippi Statewide
95 Assessment System as adopted by the State Board of Education. The



96 principal's sworn certification shall be set forth on a form
97 developed and approved by the Department of Education. If,
98 following the administration of a statewide test, the principal
99 has reason to believe that the test was not administered in strict
100 accordance with the Requirements of the Mississippi Statewide
101 Assessment System as adopted by the State Board of Education, the
102 principal shall submit a sworn certification to the Department of
103 Education setting forth all information known or believed by the
104 principal about all potential violations of the Requirements of
105 the Mississippi Statewide Assessment System as adopted by the
106 State Board of Education. The submission of false information or
107 false certification to the Department of Education by any licensed
108 educator may result in licensure disciplinary action pursuant to
109 Section 37-3-2 and criminal prosecution pursuant to Section
110 37-16-4.

111 **SECTION 2.** Section 37-16-5, Mississippi Code of 1972, is
112 brought forward as follows:

113 37-16-5. The school board of every district in this state
114 shall periodically assess student performance and achievement in
115 each school. Such assessment programs shall be based upon local
116 goals and objectives which are compatible with the state's plan
117 for education and which supplement the minimum performance
118 standards approved by the State Board of Education. Data from
119 district assessment programs shall be provided to the State
120 Department of Education when such data is required in order to



121 evaluate specific instructional programs or processes or when the
122 data is needed for other research or evaluation projects. Each
123 district may provide acceptable, compatible district assessment
124 data to substitute for any assessment data needed at the state
125 level when the State Department of Education certifies that such
126 data is acceptable for the purposes of Section 37-16-3.

127 **SECTION 3.** Section 37-16-9, Mississippi Code of 1972, is
128 amended as follows:

129 37-16-9. (1) (a) The state board shall, after a public
130 hearing and consideration, make provision for appropriate
131 accommodations for testing instruments and procedures for students
132 with identified handicaps or disabilities in order to ensure that
133 the results of the testing represent the student's achievement,
134 rather than reflecting the student's impaired sensory, manual,
135 speaking or psychological process skills, except when such skills
136 are the factors the test purports to measure.

137 (b) The state board shall, after a public hearing and
138 consideration, make provision for appropriate accommodations for
139 testing instruments and procedures for students identified as
140 English language learners in order to ensure that the results of
141 the testing represent the student's achievement in an equitable
142 manner. For purposes of this paragraph (b) appropriate
143 accommodations shall consist of the testing materials being
144 translated and printed in the students' native or primary spoken
145 language using the method of translation and assessment module



146 approved by the State Department of Education and made available
147 to schools and school districts as an appropriate accommodation
148 for English language learners in the assessment process.

149 (2) The public hearing and consideration required hereunder
150 shall not be construed to amend or nullify the requirements of
151 security relating to the contents of examinations or assessment
152 instruments and related materials or data.

153 (3) Children with disabilities shall be included in general
154 statewide and district-wide assessments programs, with appropriate
155 accommodations, where necessary. As appropriate, the State
156 Department of Education and the local educational agency shall:

157 (a) Develop policies and procedures for the
158 participation of children with disabilities in alternate
159 assessments for those children who cannot participate in statewide
160 and district-wide assessment programs; and

161 (b) Develop and, beginning not later than July 1, 2000,
162 conduct those alternate assessments.

163 (4) The State Department of Education shall make available
164 to the public, and report to the public with the same frequency
165 and in the same detail as it reports on the assessment of
166 nondisabled children, the following:

167 (a) The number of children with disabilities
168 participating in regular assessments;

169 (b) The number of children participating in alternate
170 assessments;



171 (c) The performance of those children on regular
172 assessments, beginning not later than July 1, 1998, and on
173 alternate assessments, not later than July 1, 2000, if doing so
174 would be statistically sound and would not result in the
175 disclosure of performance results identifiable to individual
176 children; and

177 (d) Data relating to the performance of children with
178 disabilities shall be disaggregated for assessments conducted
179 after July 1, 1998.

180 (5) The State Department of Education shall make available
181 to the public, and report to the public with the same frequency
182 and in the same detail as it reports on the assessment of children
183 whose primary spoken language is English, the following:

184 (a) The number of children identified as English
185 language learners participating in regular assessments;

186 (b) The number of children identified as English
187 language learners participating in alternate assessments;

188 (c) The performance of those children on regular
189 assessments, beginning not later than July 1, 2018, and on
190 alternate assessments, not later than July 1, 2019, if doing so
191 would be statistically sound and would not result in the
192 disclosure of performance results identifiable to individual
193 children; and



194 (d) Data relating to the performance of children
195 identified as English language learners shall be disaggregated for
196 assessments conducted after July 1, 2018.

197 **SECTION 4.** This act shall take effect and be in force from
198 and after July 1, 2018.

