MISSISSIPPI LEGISLATURE
REGULAR SESSION 2021
By: Representative Hines
To: Education

HOUSE BILL NO. 1117

AN ACT TO REQUIRE THE MINIMUM PASSING SCORE ON CERTAIN
STATEWIDE EDUCATIONAL ASSESSMENTS TO BE LOWERED, FOR THE 2020-2021
AND 2021-2022 SCHOOL YEARS ONLY, DUE TO THE INTERRUPTION TO
REGULAR EDUCATIONAL INSTRUCTION CAUSED BY COVID-19; TO REQUIRE THE
STATE BOARD OF EDUCATION TO DECREASE THE MINIMUM SCORE REQUIRED ON
THE ACT FOR HIGH SCHOOL GRADUATION FOR THOSE SCHOOL YEARS; TO
REQUIRE LOCAL SCHOOL DISTRICTS TO DECREASE THE MINIMUM SCORE
REQUIRED ON READING ASSESSMENTS FOR STUDENTS TO BE PROMOTED FROM
THE THIRD GRADE FOR THOSE SCHOOL YEARS; TO AMEND SECTION 37-16-3,
MISSISSIPPI CODE OF 1972, TO REQUIRE THE STATE DEPARTMENT OF
EDUCATION TO DECREASE MINIMUM PERFORMANCE STANDARDS REQUIRED ON
STATEWIDE ASSESSMENT TESTS FOR EIGHTH GRADE STUDENTS FOR THOSE
SCHOOL YEARS; AND FOR RELATED PURPOSES.

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

SECTION 1. Effective during the 2020-2021 and 2021-2022
school years only, the State Board of Education shall decrease the
minimum score required on the ACT test as a condition for high
school graduation to a minimum ACT composite score of 15. The
board shall adopt a policy declaring that the lowered minimum ACT
composite score of 15 is required for a student to meet the
requirements for a standard Mississippi high school diploma in the
2020-2021 and 2021-2022 school years only and is necessitated by
the disruption to regular educational instruction resulting from
school closures related to COVID-19.

SECTION 2. Effective during the 2020-2021 and 2021-2022
school years only, the State Board of Education shall require
local school districts to decrease the minimum score required for
a student to be promoted upon completion of the third grade. Each
local school district shall adopt a policy, effective for the
2020-2021 and 2021-2022 school years only, lowering the minimum
score on a reading screener or locally determined reading
assessment which must be achieved for promotion from the third
grade. In establishing the acceptable score for the 2020-2021 and
2021-2022 school years, the school district shall take into
consideration the effect on both learning and teaching caused by
the disruption of regular educational instruction resulting from
school closures and the forced reliance on virtual online
instruction due to the COVID-19 pandemic. The policy adopted
pursuant to this section must be approved by the State Department
of Education before it may be implemented by a school district.
If the department does not approve a district's decreased minimum
score, the department must recommend to the district an
appropriate score to be used for the 2020-2021 and 2021-2022
school years.

SECTION 3. Section 37-16-3, Mississippi Code of 1972, is
amended as follows:
The State Department of Education is directed to implement a program of statewide assessment testing which shall provide for the improvement of the operation and management of the public schools. The statewide program shall be timed, as far as possible, so as not to conflict with ongoing district assessment programs. As part of the program, the department shall:

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

(ii) Notwithstanding any provision of law or State Board of Education policy or State Department of Education rule or regulation to the contrary, for the 2020-2021 and 2021-2022 school years only, the department shall decrease the minimum performance standards required on statewide assessment testing for students in Grade 8. In establishing the minimum performance standards for the 2020-2021 and 2021-2022 school years, the department shall take into consideration the effect on both learning and teaching caused by the disruption of regular educational instruction resulting from school closures and the forced reliance on virtual online instruction due to the COVID-19 pandemic.

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

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

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

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

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

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

(3) Within five (5) days of completing the administration of a statewide test, the principal of the school where the test was administered shall certify under oath to the State Department of Education that the statewide test was administered in strict accordance with the Requirements of the Mississippi Statewide
Assessment System as adopted by the State Board of Education. The principal's sworn certification shall be set forth on a form developed and approved by the Department of Education. If, following the administration of a statewide test, the principal has reason to believe that the test was not administered in strict accordance with the Requirements of the Mississippi Statewide Assessment System as adopted by the State Board of Education, the principal shall submit a sworn certification to the Department of Education setting forth all information known or believed by the principal about all potential violations of the Requirements of the Mississippi Statewide Assessment System as adopted by the State Board of Education. The submission of false information or false certification to the Department of Education by any licensed educator may result in licensure disciplinary action pursuant to Section 37-3-2 and criminal prosecution pursuant to Section 37-16-4.

SECTION 4. This act shall take effect and be in force from and after its passage.