

## Senate Amendments to House Bill No. 1301

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

10           37-16-3. (1) The State Department of Education is directed  
11 to implement a program of statewide assessment testing which shall  
12 provide for the improvement of the operation and management of the  
13 public schools. The statewide program shall be timed, as far as  
14 possible, so as not to conflict with ongoing district assessment  
15 programs. As part of the program, the department shall:

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

22           (b) Conduct a uniform statewide testing program in  
23 grades deemed appropriate in the public schools, including charter  
24 schools, which shall provide for the administration of a career

25 readiness assessment to any students electing to take the  
26 assessment in the ninth, tenth or eleventh grade. The program may  
27 test skill areas, basic skills and high school course content.

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

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

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

45 (f) In case of an allegation of a testing irregularity  
46 that prompts a need for an investigation by the Department of  
47 Education, the department may, in its discretion, take complete  
48 control of the statewide test administration in a school district  
49 or any part thereof, including, but not limited to, obtaining  
50 control of the test booklets and answer documents. In the case of

51 any verified testing irregularity that jeopardized the security  
52 and integrity of the test(s), validity or the accuracy of the test  
53 results, the cost of the investigation and any other actual and  
54 necessary costs related to the investigation paid by the  
55 Department of Education shall be reimbursed by the local school  
56 district from funds other than federal funds, Mississippi Adequate  
57 Education Program funds, or any other state funds within six (6)  
58 months from the date of notice by the department to the school  
59 district to make reimbursement to the department.

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

71 (3) Within five (5) days of completing the administration of  
72 a statewide test, the principal of the school where the test was  
73 administered shall certify under oath to the State Department of  
74 Education that the statewide test was administered in strict  
75 accordance with the Requirements of the Mississippi Statewide  
76 Assessment System as adopted by the State Board of Education. The

77 principal's sworn certification shall be set forth on a form  
78 developed and approved by the Department of Education. If,  
79 following the administration of a statewide test, the principal  
80 has reason to believe that the test was not administered in strict  
81 accordance with the Requirements of the Mississippi Statewide  
82 Assessment System as adopted by the State Board of Education, the  
83 principal shall submit a sworn certification to the Department of  
84 Education setting forth all information known or believed by the  
85 principal about all potential violations of the Requirements of  
86 the Mississippi Statewide Assessment System as adopted by the  
87 State Board of Education. The submission of false information or  
88 false certification to the Department of Education by any licensed  
89 educator may result in licensure disciplinary action pursuant to  
90 Section 37-3-2 and criminal prosecution pursuant to Section  
91 37-16-4.

92       **SECTION 2.** This act shall take effect and be in force from  
93 and after July 1, 2021, and shall stand repealed on June 30, 2021.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1       AN ACT TO AMEND SECTION 37-16-3, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT THE DEPARTMENT OF EDUCATION SHALL CONDUCT A UNIFORM  
3 STATEWIDE TESTING PROGRAM IN PUBLIC AND CHARTER SCHOOLS WHICH  
4 SHALL PROVIDE FOR THE ADMINISTRATION OF A CAREER READINESS  
5 ASSESSMENT TO ANY STUDENTS ELECTING TO TAKE THE ASSESSMENT IN  
6 NINTH, TENTH OR ELEVENTH GRADE; AND FOR RELATED PURPOSES.

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Eugene S. Clarke  
Secretary of the Senate