

By: Representative Miles

To: Education

HOUSE BILL NO. 120

1 AN ACT TO PROHIBIT THE STATE BOARD OF EDUCATION FROM
 2 REQUIRING STUDENTS TO ACHIEVE A PASSING SCORE ON END-OF-COURSE
 3 TESTS ADMINISTERED UNDER THE SUBJECT AREA TESTING PROGRAM AS A
 4 REQUIREMENT FOR GRADUATION; TO AMEND SECTION 37-16-7, MISSISSIPPI
 5 CODE OF 1972, TO PROHIBIT LOCAL SCHOOL DISTRICTS FROM USING THE
 6 END-OF-COURSE TESTS TO DETERMINE IF STUDENTS HAVE MASTERED MINIMUM
 7 ACADEMIC SKILLS REQUIRED FOR GRADUATION; TO AMEND SECTIONS
 8 37-3-49, 37-16-17 AND 37-35-3, MISSISSIPPI CODE OF 1972, IN
 9 CONFORMITY TO THE PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Beginning in the 2022-2023 school year, students
 12 enrolled in Mississippi public schools may not be required to pass
 13 any end-of-course test administered under the Subject Area Testing
 14 Program as a requirement for graduation. The State Board of
 15 Education shall adopt a policy requiring the administration of
 16 those end-of-course tests mandated under the federal requirements
 17 of the Every Student Succeeds Act and Title I. However, the
 18 policy must provide that a student who fails to achieve a passing
 19 score on an end-of-course test may not be prohibited from
 20 graduating from high school if the student has fulfilled the
 21 requirements for a standard Mississippi high school diploma, as



22 demonstrated by having achieved the requisite number of academic
23 credits or Carnegie units and successful mastery of each course of
24 instruction with a satisfactory grade.

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

27 37-16-7. (1) Each district school board shall establish
28 standards for graduation from its schools which shall include as a
29 minimum:

30 (a) Mastery of minimum academic skills as measured by
31 assessments developed and administered by the State Board of
32 Education. However, passage of end-of-course assessments
33 administered under the Subject Area Testing Program may not be
34 required for graduation; and

35 (b) Completion of a minimum number of academic credits,
36 and all other applicable requirements prescribed by the district
37 school board.

38 (* * *2) The school board of each school district shall
39 maintain, by school, information on high school graduation rates.
40 High schools with graduation rates lower than eighty percent (80%)
41 must submit a detailed plan to the * * * Department of Education
42 to restructure the high school experience to improve graduation
43 rates.

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



47 (* * *4) The State Board of Education may establish student
48 proficiency standards for promotion to grade levels leading to
49 graduation.

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

52 37-3-49. (1) The State Department of Education shall
53 provide an instructional program and establish guidelines and
54 procedures for managing such program in the public schools within
55 the school districts throughout the state as part of the State
56 Program of Educational Accountability and Assessment of
57 Performance as prescribed in Section 37-3-46. Public school
58 districts may (a) elect to adopt the instructional program and
59 management system provided by the State Department of Education,
60 or (b) elect to adopt an instructional program and management
61 system which meets or exceeds criteria established by the State
62 Department of Education for such. This provision shall begin with
63 the courses taught in Grades K-8 which contain skills tested
64 through the Mississippi Basic Skills Assessment Program and shall
65 proceed through all secondary school courses mandated for
66 graduation and all secondary school courses in the Mississippi
67 end-of-course testing program, except as otherwise provided under
68 Section 1 of this act. Other state core objectives must be
69 included in the district's instructional program as they are
70 provided by the State Department of Education along with
71 instructional practices, resources, evaluation items and



72 management procedures. Districts are encouraged to adapt this
73 program and accompanying procedures to all other instructional
74 areas. The department shall provide that such program and
75 guidelines, or a program and guidelines developed by a local
76 school district which incorporates the core objectives from the
77 curriculum structure are enforced through the performance-based
78 accreditation system. It is the intent of the Legislature that
79 every effort be made to protect the instructional time in the
80 classroom and reduce the amount of paperwork which must be
81 completed by teachers. The State Department of Education shall
82 take steps to insure that school districts properly use staff
83 development time to work on the districts' instructional
84 management plans.

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

88 (a) All courses taught in Grades K-8 which contain
89 skills which are tested through the Mississippi Basic Skills
90 Assessment Program, all secondary school courses mandated for
91 graduation, and all courses in the end-of-course testing program
92 shall include the State Department of Education's written list of
93 learning objectives.

94 (b) The local school board must adopt the objectives
95 that will form the core curriculum which will be systematically
96 delivered throughout the district.



97 (c) The set of objectives provided by the State
98 Department of Education must be accompanied by suggested
99 instructional practices and resources that would help teachers
100 organize instruction so as to promote student learning of the
101 objectives. Objectives added by the school district must also be
102 accompanied by suggested instructional practices and resources
103 that would help teachers organize instruction. The instructional
104 practices and resources that are identified are to be used as
105 suggestions and not as requirements that teachers must follow.
106 The goal of the program is to have students to achieve the desired
107 objective and not to limit teachers in the way they teach.

108 (d) Standards for student performance must be
109 established for each core objective in the local program and those
110 standards establish the district's definition of mastery for each
111 objective.

112 (e) There shall be an annual review of student
113 performance in the instructional program against locally
114 established standards. When weaknesses exist in the local
115 instructional program, the district shall take action to improve
116 student performance.

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



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

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

129 **SECTION 4.** Section 37-16-17, Mississippi Code of 1972, is
130 amended as follows:

131 37-16-17. (1) Purpose. (a) The purpose of this section is
132 to create a quality option in Mississippi's high schools for
133 students not wishing to pursue a baccalaureate degree, which shall
134 consist of challenging academic courses and modern
135 career-technical studies. The goal for students pursuing the
136 career track is to graduate from high school with a standard
137 diploma and credit toward a community college certification in a
138 career-technical field. These students also shall be encouraged
139 to take the national assessment in the career-technical field in
140 which they become certified.

141 (b) The State Board of Education shall develop and
142 adopt course and curriculum requirements for career track programs
143 offered by local public school boards in accordance with this
144 section. The Mississippi Community College Board and the State



145 Board of Education jointly shall determine course and curriculum
146 requirements for the career track program.

147 (2) Alternative career track; description; curriculum. (a)
148 A career track shall provide a student with greater technical
149 skill and a strong academic core and shall be offered to each high
150 school student enrolled in a public school district. The career
151 track program shall be linked to postsecondary options and shall
152 prepare students to pursue either a degree or certification from a
153 postsecondary institution, an industry-based training or
154 certification, an apprenticeship, the military, or immediate
155 entrance into a career field. The career track shall be designed
156 primarily for those students who are not college bound and shall
157 provide them with alternatives to entrance into a four-year
158 university or college after high school graduation.

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

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

165 (d) Students in a career track program shall complete
166 an academic core of courses and a career and technical sequence of
167 courses.

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



170 (i) At least four (4) English credits, including
171 English I and English II.

172 (ii) At least three (3) mathematics credits,
173 including Algebra I.

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

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

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

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

184 (vii) At least one (1) credit in integrated
185 technology with optional end_of_course testing.

186 (viii) At least two and one-half (2-1/2) credits
187 in additional electives or career and technical education courses
188 required by the local school board, as approved by the State Board
189 of Education. Academic courses within the career track of the
190 standard diploma shall provide the knowledge and skill necessary
191 for proficiency on the state subject area tests, which may be used
192 only for purposes of determining levels of proficiency and not as
193 a requirement for graduation.



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

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

204 **SECTION 5.** Section 37-35-3, Mississippi Code of 1972, is
205 amended as follows:

206 37-35-3. (1) The board of trustees of any school district,
207 including any community/junior college, may establish and maintain
208 classes for adults, including general educational development
209 classes, under the regulations authorized in this chapter and
210 pursuant to the standards prescribed in subsection (3). The
211 property and facilities of the public school districts may be used
212 for this purpose where such use does not conflict with uses
213 already established.

214 (2) The trustees of any school district desiring to
215 establish such program may request the taxing authority of the
216 district to levy additional ad valorem taxes for the support of
217 this program. The board of supervisors, in the case of a county
218 school district, a special municipal separate school district, or



219 a community/junior college district, and the governing authority
220 of any municipality, in the case of a municipal separate school
221 district, is authorized, in its discretion, to levy a tax not
222 exceeding one (1) mill upon all the taxable property of the
223 district for the support of this program. The tax shall be in
224 addition to all other taxes authorized by law to be levied. In
225 addition to the funds realized from any such levy, the board of
226 trustees of any school district is authorized to use any surplus
227 funds that it may have or that may be made available to it from
228 local sources to supplement this program.

229 (3) (a) Any student participating in an approved High
230 School Equivalency Diploma Option program administered by a local
231 school district or a local school district with an approved
232 contractual agreement with a community/junior college or other
233 local entity shall not be considered a dropout. Students in such
234 a program administered by a local school district shall be
235 considered as enrolled within the school district of origin for
236 the purpose of enrollment for minimum program funding only. Such
237 students shall not be considered as enrolled in the regular school
238 program for academic or programmatic purposes.

239 (b) Students participating in an approved High School
240 Equivalency Diploma Option program shall have an individual career
241 plan developed at the time of placement to insure that the
242 student's academic and job skill needs will be met. The



243 Individual Career Plan will address, but is not limited to, the
244 following:

245 (i) Academic/instructional needs of the student;
246 (ii) Job readiness needs of the student; and
247 (iii) Work experience program options available
248 for the student.

249 (c) Students participating in an approved High School
250 Equivalency Diploma Option program may participate in existing job
251 and skills development programs or in similar programs developed
252 in conjunction with the High School Equivalency Diploma Option
253 program and the vocational director.

254 (d) High School Equivalency Diploma Option programs may
255 be operated by local school districts or may be operated by two
256 (2) or more adjacent school districts, pursuant to a contract
257 approved by the State Board of Education. When two (2) or more
258 school districts contract to operate a High School Equivalency
259 Diploma Option program, the school board of a district designated
260 to be the lead district shall serve as the governing board of the
261 High School Equivalency Diploma Option program. Transportation
262 for students placed in the High School Equivalency Diploma Option
263 program shall be the responsibility of the school district of
264 origin. The expense of establishing, maintaining and operating
265 such High School Equivalency Diploma Option programs may be paid
266 from funds made available to the school district through



267 contributions, * * * adequate program funds or from local district
268 maintenance funds.

269 (e) The State Department of Education will develop
270 procedures and criteria for placement of a student in the High
271 School Equivalency Diploma Option programs. Students placed in
272 High School Equivalency Diploma Option programs shall have
273 parental approval for such placement and must meet the following
274 criteria:

275 (i) The student must be at least sixteen (16)
276 years of age;

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

280 (iii) The student must have taken every
281 opportunity to continue to participate in coursework leading to a
282 diploma; and

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

286 (f) Students participating in an approved High School
287 Equivalency Diploma Option program, who are enrolled in subject
288 area courses through January 31 in a school with a traditional
289 class schedule or who are enrolled in subject area courses through
290 October 31 or through March 31 in a school on a block schedule,
291 shall be required to take the end-of-course subject area tests for



292 those courses in which they are enrolled. However, passage of
293 end-of-course assessments may not be required as a condition of
294 receipt of a High School Equivalency Diploma.

295 **SECTION 6.** This act shall take effect and be in force from
296 and after July 1, 2022.

