

By: Representative Miles

To: Education

HOUSE BILL NO. 474

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 2023-2024 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 technical education pathways is to graduate from high  
137 school with a standard diploma and credit toward a community  
138 college certification in a career-technical field. These students  
139 also shall be encouraged to take the national assessment in the  
140 career-technical field in which they become certified.

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



146 course and curriculum requirements for the career technical  
147 education pathways. The State Board of Education shall require  
148 school districts to provide notice to all incoming middle school  
149 students and junior high students of the career technical  
150 education pathways offered by local school boards. Such notice  
151 shall include the career technical education pathways available,  
152 the course requirements of each pathway, how to enroll in the  
153 pathway and any other necessary information as determined by the  
154 State Board of Education.

155 (2) Career technical education pathway; description;  
156 curriculum. (a) A career technical education pathway shall  
157 provide a student with greater technical skill and a strong  
158 academic core and shall be offered to each high school student  
159 enrolled in a public school district. The career technical  
160 education pathway shall be linked to postsecondary options and  
161 shall prepare students to pursue either a degree or certification  
162 from a postsecondary institution, an industry-based training or  
163 certification, an apprenticeship, the military, or immediate  
164 entrance into a career field. The career technical education  
165 pathway shall provide students with alternatives to entrance into  
166 a four-year university or college after high school graduation.

167 (b) Students pursuing a career technical education  
168 pathway shall be afforded the opportunity to dually enroll in a  
169 community or technical college or to participate in a business



170 internship or work-study program, when such opportunities are  
171 available and appropriate.

172 (c) Each public school district shall offer a career  
173 technical education pathway approved by the State Board of  
174 Education.

175 (d) Students in a career technical education pathway  
176 shall complete an academic core of courses and a career and  
177 technical sequence of courses.

178 (e) Students pursuing a career technical education  
179 pathway must complete the twenty-four (24) course unit  
180 requirements for a regular high school diploma, which may include,  
181 but not be limited to the following course content:

- 182 (i) English I;
- 183 (ii) English II;
- 184 (iii) Technical writing;
- 185 (iv) Computer programming;
- 186 (v) Algebra I;
- 187 (vi) Personal Finance;
- 188 (vii) Advanced technical mathematics;
- 189 (viii) Computer Science;
- 190 (ix) Biology;
- 191 (x) Earth and Space Science;
- 192 (xi) U.S. History;
- 193 (xii) Mississippi Studies/U.S. Government;
- 194 (xiii) Health;





- 195 (xiv) Physical Education;
- 196 (xv) Soft skills, which include, but are not  
197 limited to, communication ability, language skills, time  
198 management, teamwork and leadership traits;
- 199 (xvi) Career technical education pathway courses;  
200 and
- 201 (xvii) Integrated technology.

202 Academic courses within the career technical education  
203 pathway of the standard diploma shall provide the knowledge and  
204 skill necessary for proficiency on the state subject area tests,  
205 which may be used only for purposes of determining levels of  
206 proficiency and not as a requirement for graduation.

207 (f) The courses provided in paragraph (e) of this  
208 subsection may be tailored to the individual needs of the school  
209 district as long as the amendments align with the basic course  
210 requirements of paragraph (e).

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

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



219           37-35-3. (1) The board of trustees of any school district,  
220 including any community/junior college, may establish and maintain  
221 classes for adults, including general educational development  
222 classes, under the regulations authorized in this chapter and  
223 pursuant to the standards prescribed in subsection (3). The  
224 property and facilities of the public school districts may be used  
225 for this purpose where such use does not conflict with uses  
226 already established.

227           (2) The trustees of any school district desiring to  
228 establish such program may request the taxing authority of the  
229 district to levy additional ad valorem taxes for the support of  
230 this program. The board of supervisors, in the case of a county  
231 school district, a special municipal separate school district, or  
232 a community/junior college district, and the governing authority  
233 of any municipality, in the case of a municipal separate school  
234 district, is authorized, in its discretion, to levy a tax not  
235 exceeding one (1) mill upon all the taxable property of the  
236 district for the support of this program. The tax shall be in  
237 addition to all other taxes authorized by law to be levied. In  
238 addition to the funds realized from any such levy, the board of  
239 trustees of any school district is authorized to use any surplus  
240 funds that it may have or that may be made available to it from  
241 local sources to supplement this program.

242           (3) (a) Any student participating in an approved High  
243 School Equivalency Diploma Option program administered by a local



244 school district or a local school district with an approved  
245 contractual agreement with a community/junior college or other  
246 local entity shall not be considered a dropout. Students in such  
247 a program administered by a local school district shall be  
248 considered as enrolled within the school district of origin for  
249 the purpose of enrollment for minimum program funding only. Such  
250 students shall not be considered as enrolled in the regular school  
251 program for academic or programmatic purposes.

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

- 258 (i) Academic/instructional needs of the student;
- 259 (ii) Job readiness needs of the student; and
- 260 (iii) Work experience program options available  
261 for the student.

262 (c) Students participating in an approved High School  
263 Equivalency Diploma Option program may participate in existing job  
264 and skills development programs or in similar programs developed  
265 in conjunction with the High School Equivalency Diploma Option  
266 program and the vocational director.

267 (d) High School Equivalency Diploma Option programs may  
268 be operated by local school districts or may be operated by two



269 (2) or more adjacent school districts, pursuant to a contract  
270 approved by the State Board of Education. When two (2) or more  
271 school districts contract to operate a High School Equivalency  
272 Diploma Option program, the school board of a district designated  
273 to be the lead district shall serve as the governing board of the  
274 High School Equivalency Diploma Option program. Transportation  
275 for students placed in the High School Equivalency Diploma Option  
276 program shall be the responsibility of the school district of  
277 origin. The expense of establishing, maintaining and operating  
278 such High School Equivalency Diploma Option programs may be paid  
279 from funds made available to the school district through  
280 contributions, \* \* \* adequate program funds or from local district  
281 maintenance funds.

282 (e) The State Department of Education will develop  
283 procedures and criteria for placement of a student in the High  
284 School Equivalency Diploma Option programs. Students placed in  
285 High School Equivalency Diploma Option programs shall have  
286 parental approval for such placement and must meet the following  
287 criteria:

288 (i) The student must be at least sixteen (16)  
289 years of age;

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



293 (iii) The student must have taken every  
294 opportunity to continue to participate in coursework leading to a  
295 diploma; and

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

299 (f) Students participating in an approved High School  
300 Equivalency Diploma Option program, who are enrolled in subject  
301 area courses through January 31 in a school with a traditional  
302 class schedule or who are enrolled in subject area courses through  
303 October 31 or through March 31 in a school on a block schedule,  
304 shall be required to take the end-of-course subject area tests for  
305 those courses in which they are enrolled. However, passage of  
306 end-of-course assessments may not be required as a condition of  
307 receipt of a High School Equivalency Diploma.

308 **SECTION 6.** This act shall take effect and be in force from  
309 and after July 1, 2023.

