

By: Representative Scott

To: Education

HOUSE BILL NO. 238

1 AN ACT TO AMEND SECTION 37-16-5, MISSISSIPPI CODE OF 1972, TO  
 2 REQUIRE LOCAL SCHOOL BOARDS TO ASSESS THE STUDENT PERFORMANCE OF  
 3 ALL ELEVENTH GRADE STUDENTS USING THE GENERAL EDUCATIONAL  
 4 DEVELOPMENT OR HIGH SCHOOL EQUIVALENCY TEST PROGRAM; TO PROHIBIT  
 5 STUDENTS DETERMINED BY THE ASSESSMENT TO BE PERFORMING BELOW GRADE  
 6 LEVEL FROM EXERCISING ANY SENIOR PRIVILEGE OF EARLY RELEASE FROM  
 7 SCHOOL; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 37-16-5, Mississippi Code of 1972, is  
 10 amended as follows:

11 37-16-5. (1) The school board of every district in this  
 12 state shall periodically assess student performance and  
 13 achievement in each school. Such assessment programs shall be  
 14 based upon local goals and objectives which are compatible with  
 15 the state's plan for education and which supplement the minimum  
 16 performance standards approved by the State Board of Education.  
 17 Data from district assessment programs shall be provided to the  
 18 State Department of Education when such data is required in order  
 19 to evaluate specific instructional programs or processes or when  
 20 the data is needed for other research or evaluation projects.



21 Each district may provide acceptable, compatible district  
22 assessment data to substitute for any assessment data needed at  
23 the state level when the State Department of Education certifies  
24 that such data is acceptable for the purposes of Section 37-16-3.

25 (2) The school board of every school district shall assess  
26 the performance of each student in Grade 11 through the  
27 administration of the general educational development or High  
28 School Equivalency Diploma Test Program as used by the Mississippi  
29 Community College Board for adult basic education. The assessment  
30 must be administered before the conclusion of the year in which a  
31 student is enrolled in Grade 11. Any student whose performance on  
32 the assessment demonstrates that the student is performing below  
33 grade level may not exercise any privilege that may be granted by  
34 the school district to seniors in that district for early release  
35 during regular school hours upon completion of all academic  
36 classes required for the day.

37 **SECTION 2.** This act shall take effect and be in force from  
38 and after July 1, 2024.

