

By: Representative McCarty

To: Education;
Accountability, Efficiency,
Transparency

HOUSE BILL NO. 1139

1 AN ACT TO AMEND SECTION 37-11-51, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE AN EXEMPTION FROM THE MISSISSIPPI PUBLIC RECORDS ACT
3 FOR LOCAL SCHOOL DISTRICT TEST SECURITY PLANS FOR THE
4 ADMINISTRATION OF THE STATEWIDE ASSESSMENT PROGRAM; AND FOR
5 RELATED PURPOSES.

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

7 **SECTION 1.** Section 37-11-51, Mississippi Code of 1972, is
8 amended as follows:

9 37-11-51. (1) Test questions and answers in the possession
10 of a public body, as defined by paragraph (a) of Section 25-61-3,
11 which are to be used in future academic examinations, shall be
12 exempt from the provisions of the Mississippi Public Records Act
13 of 1983.

14 (2) Letters of recommendation in the possession of a public
15 body, as defined by paragraph (a) of Section 25-61-3, respecting
16 admission to any educational agency or institution, shall be
17 exempt from the provisions of the Mississippi Public Records Act
18 of 1983.



19 (3) (a) Except as provided in paragraph (b) of this
20 subsection, documents, records, papers, data, protocols,
21 information or materials in the possession of a community college
22 or state institution of higher learning that are created,
23 collected, developed, generated, ascertained or discovered during
24 the course of academic research, shall be exempt from the
25 provisions of the Mississippi Public Records Act of 1983.

26 (b) The exemption under paragraph (a) of this
27 subsection shall not apply to a public record that has been
28 published, copyrighted, trademarked or patented.

29 (4) Unpublished manuscripts, preliminary analyses, drafts of
30 scientific or academic papers, plans or proposals for future
31 research and prepublication peer reviews in the possession of a
32 community college or state institution of higher learning, or
33 submitted and accepted for publication by publishers shall be
34 exempt from the provisions of the Mississippi Public Records Act
35 of 1983.

36 (5) Nothing in this section shall otherwise create a public
37 record right over, or shall impede or infringe upon, the copyright
38 in any work.

39 (6) School safety plan documents containing preventive
40 services listed in Section 37-3-83 shall be exempt from the
41 provisions of the Mississippi Public Records Act of 1983.



42 (7) Local school district Test Security Plans for the
43 administration of the Statewide Assessment Program shall be exempt
44 from the provisions of the Mississippi Public Records Act of 1983.

45 **SECTION 2.** This act shall take effect and be in force from
46 and after July 1, 2025.

