

By: Representative Frierson

To: Judiciary B

HOUSE BILL NO. 619

1 AN ACT TO CREATE A NEW SECTION TO BE CODIFIED AS SECTION  
2 37-35-13, MISSISSIPPI CODE OF 1972, AND TO AMEND SECTION 37-16-4,  
3 MISSISSIPPI CODE OF 1972, TO PRESCRIBE CRIMINAL PENALTIES FOR  
4 VIOLATIONS OF GENERAL EDUCATIONAL DEVELOPMENT TEST (GED) SECURITY  
5 PROCEDURES; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** The following shall be codified as Section  
8 37-35-13, Mississippi Code of 1972:

9 37-35-13. (1) It is unlawful for anyone knowingly and  
10 willfully to do any of the following acts regarding the General  
11 Educational Development Test (GED):

12 (a) Give an examinee access to test questions prior to  
13 testing;

14 (b) Copy or reproduce all or any portion of any secure  
15 test booklet or completed test;

16 (c) Coach an examinee during testing or alter or  
17 interfere with an examinee's response in any way;

18 (d) Make an answer key available to an examinee;

19 (e) Forge, counterfeit or alter a transcript, diploma  
20 or grade report;

21 (f) Fail to account for all secure test materials  
22 before, during and after testing;

23 (g) Participate in, direct, aid, counsel, assist in,  
24 encourage or fail to report any of the acts prohibited in this  
25 section.

26 (2) Any person violating any provisions of subsection (1) of  
27 this section is guilty of a misdemeanor and upon conviction shall  
28 be fined not more than One Thousand Dollars (\$1,000.00), or be

29 imprisoned for not more than ninety (90) days, or both. Upon  
30 conviction, the State Board for Community and Junior Colleges may  
31 suspend or revoke the GED credential of the person convicted.

32 (3) The district attorney or county prosecuting attorney  
33 shall investigate allegations of violations of this section,  
34 either on their own initiative or following the receipt of an  
35 allegation, or at the request of the Executive Director of the  
36 State Board for Community and Junior Colleges.

37 (4) The district attorney or county prosecuting attorney  
38 shall furnish to the Executive Director of the State Board for  
39 Community and Junior Colleges a report of the findings of any  
40 investigation conducted pursuant to this section.

41 (5) Nothing in this section may be construed to prohibit or  
42 interfere with the responsibilities of the State Board for  
43 Community and Junior Colleges in test development or selection,  
44 test form construction, standard setting, test scoring and  
45 reporting, or any other related activities which in the judgment  
46 of the Executive Director of the State Board for Community and  
47 Junior Colleges are necessary and appropriate.

48 **SECTION 2.** Section 37-16-4, Mississippi Code of 1972, is  
49 amended as follows:

50 37-16-4. (1) It is unlawful for anyone knowingly and  
51 willfully to do any of the following acts regarding mandatory  
52 uniform tests administered to students as required by the State  
53 Department of Education \* \* \*:

54 (a) Give examinees access to test questions prior to  
55 testing;

56 (b) Copy or reproduce all or any portion of any secure  
57 test booklet;

58 (c) Coach examinees during testing or alter or  
59 interfere with examinees' responses in any way;

60 (d) Make answer keys available to examinees;

61 (e) Fail to account for all secure test materials  
62 before, during and after testing;

63 (f) Participate in, direct, aid, counsel, assist in,  
64 encourage or fail to report any of the acts prohibited in this  
65 section.

66 (2) Any person violating any provisions of subsection (1) of  
67 this section is guilty of a misdemeanor and upon conviction shall  
68 be fined not more than One Thousand Dollars (\$1,000.00), or be  
69 imprisoned for not more than ninety (90) days, or both. Upon  
70 conviction, the State Board of Education may suspend or revoke the  
71 administrative or teaching credentials, or both, of the person  
72 convicted.

73 (3) The district attorney shall investigate allegations of  
74 violations of this section, either on its own initiative following  
75 a receipt of allegations, or at the request of a school district  
76 or the State Department of Education.

77 (4) The district attorney shall furnish to the State  
78 Superintendent of Education a report of the findings of any  
79 investigation conducted pursuant to this section.

80 (5) The State Board of Education shall establish statistical  
81 guidelines to examine the results of state mandated tests to  
82 determine where there is evidence of testing irregularities  
83 resulting in false or misleading results in the aggregate or  
84 composite test scores of the class, grade, age group or school  
85 district. When said irregularities are identified, the State  
86 Superintendent of Education may order that any group of students  
87 identified as being required to retake the test at state expense  
88 under state supervision. The school district shall be given at  
89 least thirty (30) days' notice before the next test administration  
90 and shall comply with the order of the State Superintendent of  
91 Education. The results from the second administration of the test  
92 shall be final for all uses of that data.

93           (6) Nothing in this section may be construed to prohibit or  
94 interfere with the responsibilities of the State Board of  
95 Education or the State Department of Education in test development  
96 or selection, test form construction, standard setting, test  
97 scoring, and reporting, or any other related activities which in  
98 the judgment of the State Superintendent of Education are  
99 necessary and appropriate.

100           **SECTION 3.** This act shall take effect and be in force from  
101 and after July 1, 2005.