

By: Senator(s) Burton

To: Education; Judiciary,
Division B

SENATE BILL NO. 2277
(As Passed the Senate)

1 AN ACT TO CODIFY SECTION 37-35-13, MISSISSIPPI CODE OF 1972,
2 AND TO AMEND SECTION 37-16-4, MISSISSIPPI CODE OF 1972, TO
3 PRESCRIBE CRIMINAL PENALTIES FOR VIOLATIONS OF GENERAL EDUCATIONAL
4 DEVELOPMENT TEST (GED) SECURITY PROCEDURES; AND FOR RELATED
5 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 Education 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 grade report or GED test;

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, fail to report any of the acts prohibited in this
25 section, or engage in any activity with the intent to fraudulently
26 obtain a GED.

27 (2) Any person violating any provisions of subsection (1) of
28 this section is guilty of a misdemeanor and upon conviction shall

29 be fined not more than One Thousand Dollars (\$1,000.00), or be
30 imprisoned for not more than ninety (90) days, or both. Upon
31 conviction, the State Board for Community and Junior Colleges may
32 suspend or revoke the GED credential of the person convicted.

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

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

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

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

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

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

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

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

61 (d) Make answer keys available to examinees;

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

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

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

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

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

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

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

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