

MISSISSIPPI CODE OF 1972

As Amended

SEC. 37-16-4. Violations of test security procedures; enforcement and penalties.

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(1) It is unlawful for anyone knowingly and willfully to do any of the following acts regarding mandatory uniform tests administered to students as required by the State Department of Education and the General Educational Development Test (GED):

- (a) Give examinees access to test questions prior to testing;
- (b) Copy or reproduce all or any portion of any secure test booklet;
- (c) Coach examinees during testing or alter or interfere with examinees' responses in any way;
- (d) Make answer keys available to examinees;
- (e) Fail to account for all secure test materials before, during and after testing;
- (f) Participate in, direct, aid, counsel, assist in, encourage or fail to report any of the acts prohibited in this section.

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

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

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

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

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

SOURCES: Laws, 1988, ch. 372, Sec. 2; 1990, ch. 535, Sec. 2, eff from and after July 1, 1990.