

## Mississippi Secretary of State

**ADMINISTRATIVE PROCEDURES NOTICE FILING**

|                                                                      |                              |                                                                                                                                     |                                  |
|----------------------------------------------------------------------|------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| AGENCY NAME<br>MS Postsecondary Education Financial Assistance Board |                              | CONTACT PERSON<br>Jennifer Rogers                                                                                                   | TELEPHONE NUMBER<br>601-432-6791 |
| ADDRESS<br>3825 Ridgewood Road                                       |                              | CITY<br>Jackson                                                                                                                     | STATE<br>MS                      |
| EMAIL<br>jrogers@mississippi.edu                                     | SUBMIT DATE<br>July 23, 2020 | Name or number of rule(s): Title 10: Education Institutions and Agencies, Part 613: MS Eminent Scholars Grant Rules and Regulations |                                  |

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: To accept ACT Superscores for state aid eligibility, Section I, C, 1 – 2 and Section II, A, 3, a), b), and d).

Specific legal authority authorizing the promulgation of rule: Miss. Code Ann. § 37-106-31

List all rules repealed, amended, or suspended by the proposed rule: Title 10: Education Institutions and Agencies, Part 613: MS Eminent Scholars Grant Rules and Regulations, Chapter 1, Rule 1.1, Section I, C, 1 – 2 and Section II, A, 3, a), b), and d)

**ORAL PROCEEDING:**

☐ An oral proceeding is scheduled for this rule on Date: \_\_\_\_\_ Time: \_\_\_\_\_ Place: \_\_\_\_\_  
☒ Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

**ECONOMIC IMPACT STATEMENT:**

☐ Economic impact statement not required for this rule. ☒ Concise summary of economic impact statement attached.

| TEMPORARY RULES                                                                                                                                                              | PROPOSED ACTION ON RULES                                                                                                                                                                                                                                                                                                              | FINAL ACTION ON RULES                                                                                                                                                                                                                                                                                              |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| _____ Original filing<br>_____ Renewal of effectiveness<br>To be in effect in _____ days<br>Effective date:<br>_____ Immediately upon filing<br>_____ Other (specify): _____ | <b>Action proposed:</b><br>_____ New rule(s)<br><input checked="" type="checkbox"/> _____ Amendment to existing rule(s)<br>_____ Repeal of existing rule(s)<br>_____ Adoption by reference<br><b>Proposed final effective date:</b><br><input checked="" type="checkbox"/> _____ 30 days after filing<br>_____ Other (specify): _____ | <b>Date Proposed Rule Filed:</b> _____<br><b>Action taken:</b><br>_____ Adopted with no changes in text<br>_____ Adopted with changes<br>_____ Adopted by reference<br>_____ Withdrawn<br>_____ Repeal adopted as proposed<br><b>Effective date:</b><br>_____ 30 days after filing<br>_____ Other (specify): _____ |

Printed name and Title of person authorized to file rules: Jennifer Rogers

Signature of person authorized to file rules: *Jennifer Rogers*

| OFFICIAL FILING STAMP                                                                                 | DO NOT WRITE BELOW THIS LINE<br>OFFICIAL FILING STAMP                                                                                                                                                                   | OFFICIAL FILING STAMP                                                                                 |
|-------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| <div style="border: 1px solid black; height: 100px; width: 100%;"></div> Accepted for filing by _____ | <div style="border: 1px solid black; padding: 10px; text-align: center;"> <b>FILED</b><br/><br/> <b>JUL 23 2020</b><br/><br/> <b>Mississippi Secretary of State</b> </div> Accepted for filing by <u><i>H 25008</i></u> | <div style="border: 1px solid black; height: 100px; width: 100%;"></div> Accepted for filing by _____ |

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.



# Michael Watson

## SECRETARY OF STATE

### CONCISE SUMMARY OF ECONOMIC IMPACT STATEMENT

An Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative Procedures Act. This is a Concise Summary of the Economic Impact Statement which must be filed with the Secretary of State's Office.

|                                                                                                                |                                                                                                |                                                                                                                                                                                                                                                                    |                                  |
|----------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| AGENCY NAME<br>Student Financial Aid                                                                           | CONTACT PERSON<br>Jennifer Rogers                                                              |                                                                                                                                                                                                                                                                    | TELEPHONE NUMBER<br>601-432-6791 |
| ADDRESS<br>3825 Ridgewood Rd                                                                                   | CITY<br>Jackson                                                                                | STATE<br>MS                                                                                                                                                                                                                                                        | ZIP<br>39211                     |
| EMAIL<br><a href="mailto:jrogers@mississippi.edu">jrogers@mississippi.edu</a>                                  | DESCRIPTIVE TITLE OF PROPOSED RULE<br>Mississippi Eminent Scholars Grant Rules and Regulations |                                                                                                                                                                                                                                                                    |                                  |
| Specific Legal Authority Authorizing the promulgation of Rule:<br>Miss. Code Ann. § 37-106-1 through 37-106-79 |                                                                                                | Reference to Rules repealed, amended or suspended by the Proposed Rule:<br>Title 10: Education Institutions and Agencies, Part 613: MS Eminent Scholars Grant Rules and Regulations, Chapter 1, Rule 1.1, Section I, C, 1 – 2 and Section II, A, 3, a), b), and d) |                                  |

#### A. Estimated Costs and Benefits

- Briefly summarize the benefits that may result from this regulation and who will benefit: Additional students will be eligible for state aid, because they will now meet the ACT eligibility requirement.
- Briefly describe the need for the proposed rule: In September 2020 ACT will begin reporting Superscores for test takers who have taken more than one administration of the ACT or have retaken subject sections of the ACT. The IHL Board changed the IHL Admission Policy from using ACT Composite scores to ACT Superscores, and all other institutions are expected to follow suit.
- Briefly describe the effect the proposed action will have on the public health, safety, and welfare:  
N/A
- Estimated Cost of implementing proposed action:
  - To the agency  
☐ Nothing ☐ Minimal ☐ Moderate ☒ Substantial ☐ Excessive
  - To other state or local government entities  
☒ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive
- Estimated Cost and/or economic benefit to all persons directly affected by the proposed rule:
  - Cost:  
☒ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive
  - Economic Benefit:  
☐ Nothing ☐ Minimal ☐ Moderate ☒ Substantial ☐ Excessive
- Estimated impact on small businesses:
  - ☒ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive
  - Estimate of the number of small businesses subject to the proposed regulation: N/A
  - Projected costs for small businesses to comply: N/A
  - Statement of probable effect on impacted small businesses: N/A
- The cost of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):

☐ substantially less than   ☐ moderately less than   ☐ minimally less than  
☒ the same as   ☐ minimally more than   ☐ moderately more than  
☐ substantially more than   ☐ excessively more than

8. The benefit of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):

☐ substantially less than   ☐ moderately less than   ☐ minimally less than  
☒ the same as   ☐ minimally more than   ☐ moderately more than  
☐ substantially more than   ☐ excessively more than

#### B. Reasonable Alternative Methods

- Other than adopting this rule, are there less costly or less intrusive methods for achieving the purpose of the proposed rule?  
☐ yes                      ☒ no
- If yes, please briefly describe available, reasonable alternative(s) and the reasons for rejecting those alternatives in favor of the proposed rule. (Please see §25-43-4.104 for factors you must consider.)  
 N/A

#### C. Data and Methodology

Please briefly describe the data and methodology you used in making the estimates required by this form.

##### *What is ACT Superscoring?*

ACT Superscoring takes the highest ACT subject test score (English, reading, math, and science) across all administrations, and recalculates a composite score based on the highest subtest scores:

| Test Date         | English   | Math      | Reading   | Science   | Composite |
|-------------------|-----------|-----------|-----------|-----------|-----------|
| February          | 17        | 18        | 19        | 21        | 19        |
| April             | 19        | 19        | 20        | 22        | 20        |
| June              | 19        | 18        | 22        | 22        | 20        |
| <b>Superscore</b> | <b>19</b> | <b>19</b> | <b>22</b> | <b>22</b> | <b>21</b> |

##### *How will ACT Superscoring impact state aid?*

The IHL Office of Strategic Research conducted an analysis of ACT score data from more than 150,000 students attending a Mississippi public or private high school who took the ACT between February 2012 and November 2019. SFA conducted additional analysis on the data analyzed by the Office of Strategic Research to determine how many of the students who met the ACT requirement using Superscoring also met the other eligibility requirements for MESH or HELP. To qualify for MESH, SFA looked for students with an ACT Superscore of 29, a high school GPA of 3.5, and enrollment in a Mississippi institution. To qualify for HELP, SFA looked for students with an ACT Superscore of 20, a 2.5 high school GPA, a Pell-eligible EFC, and enrollment in a Mississippi institution.

ACT Superscoring will result in about 350 additional high school graduates establishing eligibility for MESH each year. The average annual cost increase will be about \$770,000. ACT Superscoring will result in about 550 additional high school graduates establishing eligibility for HELP each year. The average annual cost increase will be \$3.4 million. On average, an additional 900 students will qualify for state aid each year, and the average annual cost to award these students will be an additional \$4.1 million.

| Graduation Year | MESH-Eligible<br>29 ACT Superscore |            | HELP-Eligible<br>20 ACT Superscore |              |
|-----------------|------------------------------------|------------|------------------------------------|--------------|
| 2017            | 291                                | \$ 647,766 | 524                                | \$ 3,213,168 |

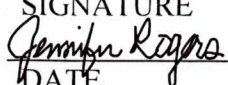
|                |            |                   |            |                     |
|----------------|------------|-------------------|------------|---------------------|
| 2018           | 372        | \$ 828,072        | 556        | \$ 3,409,392        |
| 2019           | 374        | \$ 832,524        | 566        | \$ 3,470,712        |
| <b>Average</b> | <b>346</b> | <b>\$ 769,454</b> | <b>549</b> | <b>\$ 3,364,424</b> |

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D. Public Notice

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1. Where, when, and how may someone present their views on the proposed rule and request an oral proceeding on the proposed rule if one is not already scheduled? Someone may submit comments or request an oral proceeding by emailing [sfa@mississippi.edu](mailto:sfa@mississippi.edu), mailing SFA, 3825 Ridgewood Rd, Jackson, MS 39211, or faxing 601-432-6557 at any time prior to the finalization of the rule.

|                                                                                                |                                                                              |
|------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| SIGNATURE<br> | TITLE<br>Director of Student Financial Aid                                   |
| DATE<br>July 23, 2020                                                                          | PROPOSED EFFECTIVE DATE OF<br>RULE<br>30 Days from Filing or August 23, 2020 |

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