

By: Senator(s) Hill, Gandy, Hopson, Smith,
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To: Education

SENATE BILL NO. 2347
(As Sent to Governor)

1 AN ACT TO ESTABLISH THE "LITERACY-BASED PROMOTION ACT" TO
2 IMPROVE KINDERGARTEN AND FIRST THROUGH THIRD GRADE PUBLIC SCHOOL
3 STUDENTS' READING SKILLS SO THAT EVERY STUDENT COMPLETING THIRD
4 GRADE READS AT OR ABOVE GRADE LEVEL; TO REQUIRE SCHOOL DISTRICTS
5 TO PROVIDE INTENSIVE READING INSTRUCTION AND INTERVENTION TO
6 STUDENTS EXHIBITING A SUBSTANTIAL DEFICIENCY IN READING IN
7 KINDERGARTEN AND GRADES 1 THROUGH 3; TO PROHIBIT THE PROMOTION OF
8 STUDENTS WHOSE READING DEFICIENCY IS NOT REMEDIED BEFORE THE END
9 OF THIRD GRADE; TO REQUIRE NOTICE TO BE GIVEN TO PARENTS OF
10 KINDERGARTEN AND FIRST THROUGH THIRD GRADE STUDENTS EXHIBITING A
11 READING DEFICIENCY; TO REQUIRE THE STATE DEPARTMENT OF EDUCATION
12 TO ESTABLISH THE MISSISSIPPI READING PANEL TO COLLABORATE WITH THE
13 DEPARTMENT ON ADOPTION OF APPROPRIATE ALTERNATIVE STANDARDIZED
14 ASSESSMENTS AND APPROPRIATE SCREENING ASSESSMENTS; TO PROHIBIT THE
15 PROMOTION OF PUBLIC SCHOOL STUDENTS BASED SOLELY ON A STUDENT'S
16 AGE OR OTHER SOCIAL PROMOTION FACTORS; TO ESTABLISH GOOD CAUSE
17 EXEMPTIONS FOR PROMOTION FOR THIRD GRADE STUDENTS FAILING TO MEET
18 ACADEMIC REQUIREMENTS FOR PROMOTION; TO SPECIFY CERTAIN ACTIONS
19 SCHOOL DISTRICTS MUST TAKE IN IMPLEMENTING THE LITERACY-BASED
20 PROMOTION ACT IN KINDERGARTEN AND GRADES 1 THROUGH 3; TO REQUIRE
21 SCHOOL BOARDS TO SUBMIT ANNUAL REPORTS TO PARENTS ON THEIR
22 RESPECTIVE STUDENT'S PROGRESS IN READING; TO REQUIRE SCHOOL BOARDS
23 TO PUBLISH DATA REFLECTING STUDENT PROGRESSION AND PERFORMANCE IN
24 A LOCAL NEWSPAPER; TO REQUIRE THE STATE BOARD OF EDUCATION TO
25 ADOPT POLICIES NECESSARY FOR THE IMPLEMENTATION OF THE PROGRAM; TO
26 AMEND SECTION 37-13-91, MISSISSIPPI CODE OF 1972, AS AMENDED BY
27 HOUSE BILL NO. 74, 2013 REGULAR SESSION, TO PROVIDE THAT CHILDREN
28 AGE 5 ON OR BEFORE SEPTEMBER 1 OF THE CALENDAR YEAR WHO HAVE
29 ENROLLED IN PUBLIC KINDERGARTEN ARE SUBJECT TO THE PROVISIONS OF
30 THE MISSISSIPPI COMPULSORY SCHOOL ATTENDANCE LAW; AND FOR RELATED
31 PURPOSES.

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



33 **SECTION 1.** (1) There is established an act prohibiting
34 social promotion to be known as the "Literacy-Based Promotion
35 Act," the purpose of which is to improve the reading skills of
36 Kindergarten and First through Third Grade students enrolled in
37 the public schools so that every student completing the Third
38 Grade is able to read at or above grade level. It is the intent
39 of the Legislature, in establishing this act, to ensure that:
40 each Kindergarten and First through Third Grade student's
41 progression is determined, in part, upon the student's proficiency
42 in reading; the policies of local school boards facilitate this
43 proficiency; and each student and the student's parent or legal
44 guardian is informed of the student's academic progress.

45 (2) Each public school student who exhibits a substantial
46 deficiency in reading at any time, as demonstrated through
47 performance on a reading screener approved or developed by the
48 State Department of Education or through locally determined
49 assessments and teacher observations conducted in Kindergarten and
50 Grades 1 through 3 or through statewide end-of-year assessments or
51 approved alternate yearly assessments in Grade 3, must be given
52 intensive reading instruction and intervention immediately
53 following the identification of the reading deficiency.

54 (3) The universal reading screener or locally determined
55 reading assessment may be given in the first thirty (30) days of
56 the school year and repeated if indicated at midyear and at the
57 end of the school year to determine student progression in reading



58 in Kindergarten through Third Grade. If it is determined that the
59 student continues to have a reading deficiency, the student must
60 be provided with continued intensive reading instruction and
61 intervention by the school district until the reading deficiency
62 is remedied. A student exhibiting continued reading deficiency
63 with continued intensive interventions should be considered for
64 exceptional criteria evaluation.

65 (4) A Kindergarten or First, Second or Third Grade student
66 identified with a deficiency in reading must be provided intensive
67 interventions in reading to ameliorate the student's specific
68 reading deficiency, as identified by a valid and reliable
69 diagnostic assessment. The intensive intervention must include
70 effective instructional strategies, and appropriate teaching
71 methodologies necessary to assist the student in becoming a
72 successful reader, able to read at or above grade level, and ready
73 for promotion to the next grade. A Kindergarten, First, Second or
74 Third Grade student identified with a reading deficiency or not
75 promoted may be placed in a transition class.

76 **SECTION 2.** Immediately upon the determination of a reading
77 deficiency, and subsequently with each quarterly progress report
78 until the deficiency is remediated, the parent or legal guardian
79 of a Kindergarten or First, Second or Third Grade student who
80 exhibits a substantial deficiency in reading must be notified in
81 writing by the student's teacher of the following:



82 (a) That the student has been identified as having a
83 substantial deficiency in reading;

84 (b) A description of the services that the school
85 district currently is providing to the student;

86 (c) A description of the proposed supplemental
87 instructional services and supports that are designed to remediate
88 the identified area of reading deficiency which the school
89 district plans to provide the student;

90 (d) That if the student's reading deficiency is not
91 remediated before the end of the student's Third Grade year, the
92 student will not be promoted to Fourth Grade unless a good cause
93 exemption specified under Section 6 of this act is met;

94 (e) Strategies for parents and guardians to use in
95 helping the student to succeed in reading proficiency; and

96 (f) That while the state annual accountability
97 assessment for reading in Third Grade is the initial determinant,
98 it is not the sole determiner of promotion and that approved
99 alternative standardized assessments are available to assist the
100 school district in knowing when a child is reading at or above
101 grade level and ready for promotion to the next grade.

102 **SECTION 3.** The State Department of Education shall establish
103 a Mississippi Reading Panel to collaborate with the State
104 Department of Education in recommending appropriate equitable
105 alternative standardized assessments and cut scores to be used to
106 determine promotion to the Fourth Grade of those Third Grade



107 students who scored at the lowest achievement level on the state
108 annual accountability assessment or who, for unforeseen
109 circumstances, were unable to take the assessment. The panel
110 should have knowledge and input in the adoption or development of
111 a universal screener for required use only in select schools most
112 in need for the leading intervention program to identify reading
113 deficiencies and determine progress. A suggestive list of no less
114 than four (4) screening assessments should be available to schools
115 not selected for the critical leading intervention program taking
116 into consideration those screening assessments already being used
117 satisfactorily in Mississippi elementary schools. An approved
118 alternative standardized reading assessment may be used in
119 2014-2015 in the transition to common core standardization of
120 testing. The panel shall consist of six (6) members as follows:
121 the State Superintendent of Education, or his/her designee, who
122 will chair the committee; the Chair of the House Education
123 Committee, or his designee; the Chairman of the Senate Education
124 Committee, or his designee; one (1) member appointed by the
125 Governor; and two (2) additional members appointed by the State
126 Superintendent of Education.

127 **SECTION 4.** The State Department of Education shall:

128 (a) Select schools most in need for the leading
129 intervention program and create criteria for selection for
130 participation based on number and percentages of students scoring
131 in the lowest two (2) achievement levels on state-adopted yearly



132 reading assessments, screening results, and other relevant data;
133 and

134 (b) Assign a supervisory position within each school to
135 be responsible for the faithful implementation of the Reading
136 Intervention Program.

137 **SECTION 5.** A public school student may not be assigned a
138 grade level based solely on the student's age or any other factors
139 that constitute social promotion.

140 Beginning in the 2014-2015 school year, if a student's
141 reading deficiency is not remedied by the end of the student's
142 Third Grade year, as demonstrated by the student scoring at the
143 lowest achievement level in reading on the state annual
144 accountability assessment or on an approved alternative
145 standardized assessment for Third Grade, the student shall not be
146 promoted to Fourth Grade.

147 **SECTION 6.** (1) A Third Grade student who does not meet the
148 academic requirements for promotion to the Fourth Grade may be
149 promoted by the school district only for good cause. Good cause
150 exemptions for promotion are limited to the following students:

151 (a) Limited English proficient students who have had
152 less than two (2) years of instruction in an English Language
153 Learner program;

154 (b) Students with disabilities whose individual
155 education plan (IEP) indicates that participation in the statewide



156 accountability assessment program is not appropriate, as
157 authorized under state law;

158 (c) Students with a disability who participate in the
159 state annual accountability assessment and who have an IEP or a
160 Section 504 plan that reflects that the individual student has
161 received intensive remediation in reading for more than two (2)
162 years but still demonstrates a deficiency in reading and
163 previously was retained in Kindergarten or First, Second or Third
164 Grade;

165 (d) Students who demonstrate an acceptable level of
166 reading proficiency on an alternative standardized assessment
167 approved by the State Board of Education; and

168 (e) Students who have received intensive intervention
169 in reading for two (2) or more years but still demonstrate a
170 deficiency in reading and who previously were retained in
171 Kindergarten or First, Second or Third Grade for a total of two
172 (2) years and have not met exceptional education criteria. A
173 student who is promoted to Fourth Grade with a good cause
174 exemption shall be provided intensive reading instruction and
175 intervention informed by specialized diagnostic information and
176 delivered through specific reading strategies to meet the needs of
177 each student so promoted. The school district shall assist
178 schools and teachers in implementing reading strategies that
179 research has shown to be successful in improving reading among
180 students with persistent reading difficulties.



181 (2) A request for good cause exemptions for a Third Grade
182 student from the academic requirements established for promotion
183 to Fourth Grade must be made consistent with the following:

184 (a) Documentation must be submitted from the student's
185 teacher to the school principal which indicates that the promotion
186 of the student is appropriate and is based upon the student's
187 record. The documentation must consist of the good cause
188 exemption being requested and must clearly prove that the student
189 is covered by one (1) of the good cause exemptions listed in
190 Section 6(a) through (e) of this act.

191 (b) The principal shall review and discuss the
192 recommendations with the teacher and parents and make a
193 determination as to whether or not the student should be promoted
194 based on requirements set forth in this act. If the principal
195 determines that the student should be promoted, based on the
196 documentation provided, the principal must make the recommendation
197 in writing to the school district superintendent, who, in writing,
198 may accept or reject the principal's recommendation. The parents
199 of any student promoted may choose that the student be retained
200 for one (1) year, even if the principal and district
201 superintendent determines otherwise.

202 **SECTION 7.** Beginning in the 2014-2015 school year, each
203 school district shall take the following actions for retained
204 Third Grade students:



205 (a) Provide Third Grade students who are not promoted
206 with intensive instructional services, progress monitoring
207 measures, and supports to remediate the identified areas of
208 reading deficiency, including a minimum of ninety (90) minutes
209 during regular school hours of daily, scientifically
210 research-based reading instruction that includes phonemic
211 awareness, phonics, fluency, vocabulary and comprehension, and
212 other strategies prescribed by the school district, which may
213 include, but are not limited to:

- 214 (i) Small group instruction;
- 215 (ii) Reduced teacher - student ratios;
- 216 (iii) Tutoring in scientifically reasearch-based
217 reading services in addition to the regular school day;
- 218 (iv) The option of transition classes;
- 219 (v) Extended school day, week or year; and
- 220 (vi) Summer reading camps.

221 (b) Provide written notification to the parent or legal
222 guardian of any Third Grade student who is retained that the
223 student has not met the proficiency level required for promotion
224 and the reasons the student is not eligible for a good cause
225 exemption. The notification must include a description of
226 proposed interventions and supports that will be provided to the
227 child to remediate the identified areas of reading deficiency.
228 This notification must be provided to the parent or legal guardian



229 in writing, in a format adopted by the State Board of Education in
230 addition to report cards given by the teacher.

231 (c) Provide Third Grade students who are retained with
232 a high-performing teacher, as determined by student performance
233 data, particularly related to student growth in reading,
234 above-satisfactory performance appraisals, and/or specific
235 training relevant to implementation of this act.

236 (d) Provide parents and legal guardians of Third Grade
237 students with a "Read at Home" plan outlined in a parental
238 contract, including participation in regular parent-guided home
239 reading.

240 **SECTION 8.** Each district may provide, where applicable, an
241 intensive acceleration class for any student retained in Grade 3
242 who was previously retained in Kindergarten or Grades 1 through 3.
243 The focus of the intensive acceleration class should be to
244 increase a student's reading level at least two (2) grade levels
245 in one (1) school year. The intensive acceleration class should
246 provide reading instruction and intervention for the majority of
247 student contact each day and incorporate opportunities to master
248 the Grade 4 state standards in other core academic areas.

249 **SECTION 9.** (1) Within thirty (30) days of final State Board
250 of Education approval of state accountability results, the school
251 board of each school district must publish, in a newspaper having
252 a general circulation within the school district, and report to



253 the State Board of Education and the Mississippi Reading Panel the
254 following information relating to the preceding school year:

255 (a) The provisions of this act relating to public
256 school student progression and the school district's policies and
257 procedures on student retention and promotion;

258 (b) By grade, the number and percentage of all students
259 performing at each level of competency on the reading and math
260 portion of the annual state accountability system and the number
261 and percentage of students given an approved alternative
262 standardized reading assessment and the percentage of these
263 students performing at each competency level on said alternative
264 standardized assessment;

265 (c) By grade, the number and percentage of all students
266 retained in Kindergarten through Grade 8;

267 (d) Information on the total number and percentage of
268 students who were promoted for good cause, by each category of
269 good cause described in Section 6 of this act; and

270 (e) Any revisions to the school board's policy on
271 student retention and promotion from the prior school year.

272 (2) The State Department of Education shall establish a
273 uniform format for school districts to report the information
274 required in subsection (1) of this section. The format must be
275 developed with input from school boards and must be provided no
276 later than ninety (90) days before the annual due date of the
277 information. The department shall compile annually the required



278 district information, along with state-level summary information,
279 and report the information to the Governor, Senate, House of
280 Representatives and general public.

281 **SECTION 10.** (1) The State Board of Education shall adopt
282 such policies, rules and regulations as may be necessary for the
283 implementation of this act.

284 (2) The State Department of Education shall provide such
285 technical assistance and training of teachers/administrators as
286 may be needed to aid local school districts in administering the
287 provisions of this act.

288 (3) Each local school district must include provisions
289 required by this act as an addition to the district's published
290 handbook of policy for employees and students beginning in school
291 year 2013-2014.

292 **SECTION 11.** The provisions of Sections 1 through 10 of this
293 act which include components necessary to provide for teacher
294 training, instructional materials, remedial education training and
295 administration of an intensive literacy curriculum shall be
296 subject to legislative appropriation.

297 **SECTION 12.** Section 37-13-91, Mississippi Code of 1972, as
298 amended by House Bill No. 74, 2013 Regular Session, is amended as
299 follows:

300 37-13-91. (1) This section shall be referred to as the
301 "Mississippi Compulsory School Attendance Law."



302 (2) The following terms as used in this section are defined
303 as follows:

304 (a) "Parent" means the father or mother to whom a child
305 has been born, or the father or mother by whom a child has been
306 legally adopted.

307 (b) "Guardian" means a guardian of the person of a
308 child, other than a parent, who is legally appointed by a court of
309 competent jurisdiction.

310 (c) "Custodian" means any person having the present
311 care or custody of a child, other than a parent or guardian of the
312 child.

313 (d) "School day" means not less than five (5) and not
314 more than eight (8) hours of actual teaching in which both
315 teachers and pupils are in regular attendance for scheduled
316 schoolwork.

317 (e) "School" means any public school in this state or
318 any nonpublic school in this state which is in session each school
319 year for at least one hundred eighty (180) school days, except
320 that the "nonpublic" school term shall be the number of days that
321 each school shall require for promotion from grade to grade.

322 (f) "Compulsory-school-age child" means a child who has
323 attained or will attain the age of six (6) years on or before
324 September 1 of the calendar year and who has not attained the age
325 of seventeen (17) years on or before September 1 of the calendar
326 year; and shall include any child who has attained or will attain



327 the age of five (5) years on or before September 1 and has
328 enrolled in a full-day public school kindergarten program. * * *

329 (g) "School attendance officer" means a person employed
330 by the State Department of Education pursuant to Section 37-13-89.

331 (h) "Appropriate school official" means the
332 superintendent of the school district, or his designee, or, in the
333 case of a nonpublic school, the principal or the headmaster.

334 (i) "Nonpublic school" means an institution for the
335 teaching of children, consisting of a physical plant, whether
336 owned or leased, including a home, instructional staff members and
337 students, and which is in session each school year. This
338 definition shall include, but not be limited to, private, church,
339 parochial and home instruction programs.

340 (3) A parent, guardian or custodian of a
341 compulsory-school-age child in this state shall cause the child to
342 enroll in and attend a public school or legitimate nonpublic
343 school for the period of time that the child is of compulsory
344 school age, except under the following circumstances:

345 (a) When a compulsory-school-age child is physically,
346 mentally or emotionally incapable of attending school as
347 determined by the appropriate school official based upon
348 sufficient medical documentation.

349 (b) When a compulsory-school-age child is enrolled in
350 and pursuing a course of special education, remedial education or



351 education for handicapped or physically or mentally disadvantaged
352 children.

353 (c) When a compulsory-school-age child is being
354 educated in a legitimate home instruction program.

355 The parent, guardian or custodian of a compulsory-school-age
356 child described in this subsection, or the parent, guardian or
357 custodian of a compulsory-school-age child attending any nonpublic
358 school, or the appropriate school official for any or all children
359 attending a nonpublic school shall complete a "certificate of
360 enrollment" in order to facilitate the administration of this
361 section.

362 The form of the certificate of enrollment shall be prepared
363 by the Office of Compulsory School Attendance Enforcement of the
364 State Department of Education and shall be designed to obtain the
365 following information only:

366 (i) The name, address, telephone number and date
367 of birth of the compulsory-school-age child;

368 (ii) The name, address and telephone number of the
369 parent, guardian or custodian of the compulsory-school-age child;

370 (iii) A simple description of the type of
371 education the compulsory-school-age child is receiving and, if the
372 child is enrolled in a nonpublic school, the name and address of
373 the school; and

374 (iv) The signature of the parent, guardian or
375 custodian of the compulsory-school-age child or, for any or all



376 compulsory-school-age child or children attending a nonpublic
377 school, the signature of the appropriate school official and the
378 date signed.

379 The certificate of enrollment shall be returned to the school
380 attendance officer where the child resides on or before September
381 15 of each year. Any parent, guardian or custodian found by the
382 school attendance officer to be in noncompliance with this section
383 shall comply, after written notice of the noncompliance by the
384 school attendance officer, with this subsection within ten (10)
385 days after the notice or be in violation of this section.

386 However, in the event the child has been enrolled in a public
387 school within fifteen (15) calendar days after the first day of
388 the school year as required in subsection (6), the parent or
389 custodian may, at a later date, enroll the child in a legitimate
390 nonpublic school or legitimate home instruction program and send
391 the certificate of enrollment to the school attendance officer and
392 be in compliance with this subsection.

393 For the purposes of this subsection, a legitimate nonpublic
394 school or legitimate home instruction program shall be those not
395 operated or instituted for the purpose of avoiding or
396 circumventing the compulsory attendance law.

397 (4) An "unlawful absence" is an absence during a school day
398 by a compulsory-school-age child, which absence is not due to a
399 valid excuse for temporary nonattendance. Days missed from school
400 due to disciplinary suspension shall not be considered an



401 "excused" absence under this section. This subsection shall not
402 apply to children enrolled in a nonpublic school.

403 Each of the following shall constitute a valid excuse for
404 temporary nonattendance of a compulsory-school-age child enrolled
405 in a public school, provided satisfactory evidence of the excuse
406 is provided to the superintendent of the school district, or his
407 designee:

408 (a) An absence is excused when the absence results from
409 the compulsory-school-age child's attendance at an authorized
410 school activity with the prior approval of the superintendent of
411 the school district, or his designee. These activities may
412 include field trips, athletic contests, student conventions,
413 musical festivals and any similar activity.

414 (b) An absence is excused when the absence results from
415 illness or injury which prevents the compulsory-school-age child
416 from being physically able to attend school.

417 (c) An absence is excused when isolation of a
418 compulsory-school-age child is ordered by the county health
419 officer, by the State Board of Health or appropriate school
420 official.

421 (d) An absence is excused when it results from the
422 death or serious illness of a member of the immediate family of a
423 compulsory-school-age child. The immediate family members of a
424 compulsory-school-age child shall include children, spouse,



425 grandparents, parents, brothers and sisters, including
426 stepbrothers and stepsisters.

427 (e) An absence is excused when it results from a
428 medical or dental appointment of a compulsory-school-age child.

429 (f) An absence is excused when it results from the
430 attendance of a compulsory-school-age child at the proceedings of
431 a court or an administrative tribunal if the child is a party to
432 the action or under subpoena as a witness.

433 (g) An absence may be excused if the religion to which
434 the compulsory-school-age child or the child's parents adheres,
435 requires or suggests the observance of a religious event. The
436 approval of the absence is within the discretion of the
437 superintendent of the school district, or his designee, but
438 approval should be granted unless the religion's observance is of
439 such duration as to interfere with the education of the child.

440 (h) An absence may be excused when it is demonstrated
441 to the satisfaction of the superintendent of the school district,
442 or his designee, that the purpose of the absence is to take
443 advantage of a valid educational opportunity such as travel,
444 including vacations or other family travel. Approval of the
445 absence must be gained from the superintendent of the school
446 district, or his designee, before the absence, but the approval
447 shall not be unreasonably withheld.

448 (i) An absence may be excused when it is demonstrated
449 to the satisfaction of the superintendent of the school district,



450 or his designee, that conditions are sufficient to warrant the
451 compulsory-school-age child's nonattendance. However, no absences
452 shall be excused by the school district superintendent, or his
453 designee, when any student suspensions or expulsions circumvent
454 the intent and spirit of the compulsory attendance law.

455 (j) An absence is excused when it results from the
456 attendance of a compulsory-school-age child participating in
457 official organized events sponsored by the 4-H or Future Farmers of
458 America (FFA). The excuse for the 4-H or FFA event must be provided
459 in writing to the appropriate school superintendent by the Extension
460 Agent or High School Agricultural Instructor/FFA Advisor.

461 (k) An absence is excused when it results from the
462 compulsory-school-age child officially being employed to serve as a
463 page at the State Capitol for the Mississippi House of
464 Representatives or Senate.

465 (5) Any parent, guardian or custodian of a
466 compulsory-school-age child subject to this section who refuses or
467 willfully fails to perform any of the duties imposed upon him or
468 her under this section or who intentionally falsifies any
469 information required to be contained in a certificate of
470 enrollment, shall be guilty of contributing to the neglect of a
471 child and, upon conviction, shall be punished in accordance with
472 Section 97-5-39.

473 Upon prosecution of a parent, guardian or custodian of a
474 compulsory-school-age child for violation of this section, the



475 presentation of evidence by the prosecutor that shows that the
476 child has not been enrolled in school within eighteen (18)
477 calendar days after the first day of the school year of the public
478 school which the child is eligible to attend, or that the child
479 has accumulated twelve (12) unlawful absences during the school
480 year at the public school in which the child has been enrolled,
481 shall establish a prima facie case that the child's parent,
482 guardian or custodian is responsible for the absences and has
483 refused or willfully failed to perform the duties imposed upon him
484 or her under this section. However, no proceedings under this
485 section shall be brought against a parent, guardian or custodian
486 of a compulsory-school-age child unless the school attendance
487 officer has contacted promptly the home of the child and has
488 provided written notice to the parent, guardian or custodian of
489 the requirement for the child's enrollment or attendance.

490 (6) If a compulsory-school-age child has not been enrolled
491 in a school within fifteen (15) calendar days after the first day
492 of the school year of the school which the child is eligible to
493 attend or the child has accumulated five (5) unlawful absences
494 during the school year of the public school in which the child is
495 enrolled, the school district superintendent or his designee shall
496 report, within two (2) school days or within five (5) calendar
497 days, whichever is less, the absences to the school attendance
498 officer. The State Department of Education shall prescribe a
499 uniform method for schools to utilize in reporting the unlawful



500 absences to the school attendance officer. The superintendent, or
501 his designee, also shall report any student suspensions or student
502 expulsions to the school attendance officer when they occur.

503 (7) When a school attendance officer has made all attempts
504 to secure enrollment and/or attendance of a compulsory-school-age
505 child and is unable to effect the enrollment and/or attendance,
506 the attendance officer shall file a petition with the youth court
507 under Section 43-21-451 or shall file a petition in a court of
508 competent jurisdiction as it pertains to parent or child.
509 Sheriffs, deputy sheriffs and municipal law enforcement officers
510 shall be fully authorized to investigate all cases of
511 nonattendance and unlawful absences by compulsory-school-age
512 children, and shall be authorized to file a petition with the
513 youth court under Section 43-21-451 or file a petition or
514 information in the court of competent jurisdiction as it pertains
515 to parent or child for violation of this section. The youth court
516 shall expedite a hearing to make an appropriate adjudication and a
517 disposition to ensure compliance with the Compulsory School
518 Attendance Law, and may order the child to enroll or re-enroll in
519 school. The superintendent of the school district to which the
520 child is ordered may assign, in his discretion, the child to the
521 alternative school program of the school established pursuant to
522 Section 37-13-92.

523 (8) The State Board of Education shall adopt rules and
524 regulations for the purpose of reprimanding any school



525 superintendents who fail to timely report unexcused absences under
526 the provisions of this section.

527 (9) Notwithstanding any provision or implication herein to
528 the contrary, it is not the intention of this section to impair
529 the primary right and the obligation of the parent or parents, or
530 person or persons in loco parentis to a child, to choose the
531 proper education and training for such child, and nothing in this
532 section shall ever be construed to grant, by implication or
533 otherwise, to the State of Mississippi, any of its officers,
534 agencies or subdivisions any right or authority to control,
535 manage, supervise or make any suggestion as to the control,
536 management or supervision of any private or parochial school or
537 institution for the education or training of children, of any kind
538 whatsoever that is not a public school according to the laws of
539 this state; and this section shall never be construed so as to
540 grant, by implication or otherwise, any right or authority to any
541 state agency or other entity to control, manage, supervise,
542 provide for or affect the operation, management, program,
543 curriculum, admissions policy or discipline of any such school or
544 home instruction program.

545 **SECTION 13.** This act shall take effect and be in force from
546 and after its passage.

