

By: Senator(s) Tollison

To: Education

SENATE BILL NO. 2397

1 AN ACT ENTITLED "THE MISSISSIPPI LITERACY-BASED PROMOTION  
 2 ACT" RELATING TO STUDENT READING DEFICIENCY AND PARENTAL  
 3 NOTIFICATION; TO PROVIDE THAT ANY STUDENT WHO EXHIBITS A  
 4 SUBSTANTIAL DEFICIENCY IN READING IN GRADE 1, GRADE 2 OR GRADE 3  
 5 SHALL RECEIVE INTENSIVE READING INSTRUCTION; TO PROVIDE THAT IF  
 6 THE STUDENT'S READING DEFICIENCY IS NOT REMEDIED BY THE END OF  
 7 GRADE 3, THE STUDENT MUST BE RETAINED AND NOT PROMOTED; TO PROVIDE  
 8 EXEMPTIONS FROM THIS PROHIBITION BASED UPON GOOD CAUSE; TO  
 9 PRESCRIBE PROGRAMS OF INSTRUCTION FOR SUCCESSFUL PROGRESSION FOR  
 10 RETAINED STUDENTS; TO PROVIDE REPORTING REQUIREMENTS; TO EMPOWER  
 11 AND DIRECT THE STATE BOARD OF EDUCATION TO ENFORCE THIS SECTION;  
 12 TO AMEND SECTION 37-13-91, MISSISSIPPI CODE OF 1972, TO PROVIDE  
 13 THAT CHILDREN AGE 5 ON OR BEFORE SEPTEMBER 1 OF THE CALENDAR YEAR  
 14 ARE SUBJECT TO THE PROVISIONS OF THE MISSISSIPPI COMPULSORY SCHOOL  
 15 ATTENDANCE LAW; TO AMEND SECTION 37-16-7, MISSISSIPPI CODE OF  
 16 1972, IN CONFORMITY; TO REPEAL SECTION 37-13-10, MISSISSIPPI CODE  
 17 OF 1972, WHICH IS THE MISSISSIPPI READING SUFFICIENCY PROGRAM OF  
 18 INSTRUCTION; AND FOR RELATED PURPOSES.

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

20 **SECTION 1. Title.** This act shall be known and may be cited  
 21 as "The Mississippi Literacy-Based Promotion Act."

22 **SECTION 2. Intent.** It is the intent of the Legislature that  
 23 each student's progression from one grade to another be  
 24 determined, in part, upon proficiency in reading; that district  
 25 school board policies facilitate reading instruction and  
 26 intervention services to address student reading needs; and that



27 each student and his or her parent be informed of that student's  
28 reading progress.

29 **SECTION 3. Reading instruction and intervention.** (1) It is  
30 the ultimate goal of the Legislature that every student read at or  
31 above grade level by Grade 3. Districts shall offer accelerated  
32 reading intervention to each K-3 student who exhibits a reading  
33 deficiency to prevent the necessity of Grade 3 student retention.  
34 The accelerated reading intervention program shall:

35 (a) Be provided to all K-3 students identified with a  
36 reading deficiency by state-approved local or statewide  
37 assessments;

38 (b) Screen and monitor the reading progress of each  
39 student's foundational reading skills at a minimum of three (3)  
40 times per year;

41 (c) Provide highly effective core reading instruction  
42 that is comprehensive and meets the majority of the general  
43 education classroom needs; and

44 (d) Provide a reading intervention program that meets,  
45 at a minimum, the following specifications:

46 (i) Assists students exhibiting a reading  
47 deficiency in developing the ability to read at grade level;

48 (ii) Provides intensive development in phonemic  
49 awareness, phonics, fluency, vocabulary and comprehension;

50 (iii) Provides scientifically based reliable and  
51 valid assessments;



52 (iv) Provides initial and ongoing analysis of each  
53 student's reading progress; and

54 (v) Is implemented during regular school hours in  
55 addition to the regular reading instruction.

56 (2) **Reading deficiency and reading improvement plan.** Any  
57 student who exhibits a deficiency in reading at any time, based  
58 upon state-approved local or statewide assessments conducted in  
59 Grades K-3, shall receive an individual reading improvement plan  
60 no later than thirty (30) days after the identification of the  
61 reading deficiency. The reading improvement plan shall be created  
62 by the teacher, principal, other pertinent school personnel and  
63 the parent(s), and shall describe the reading intervention  
64 services the student will receive to remedy the reading deficit.  
65 Each student receiving reading intervention must be screened and  
66 progress monitored, at a minimum of three (3) times per year, and  
67 provided with intensive reading intervention until the student no  
68 longer has a reading deficiency.

69 (3) **Parent notification.** The parent of any K-3 student who  
70 exhibits a deficiency in reading at any time during the school  
71 year must be notified in writing no later than thirty (30) days  
72 after the identification of the reading deficiency, and the  
73 written notification must include the following:

74 (a) That his or her child has been identified as having  
75 a deficiency in reading, and a reading improvement plan will be



76 established by the teacher, principal, other pertinent school  
77 personnel and the parent(s).

78 (b) A description of the current services that are  
79 provided to the child.

80 (c) A description of the proposed reading intervention  
81 and supplemental instructional services and supports that will be  
82 provided to the child that are designed to ameliorate the  
83 identified area(s) of reading deficiency.

84 (d) Strategies for parents to use at home in helping  
85 their child succeed in reading.

86 (e) That if the child's reading deficiency is not  
87 corrected by the end of Grade 3, the child will not be promoted to  
88 Grade 4 unless a good cause exemption is met.

89 (f) That while the statewide assessment is the initial  
90 determinate, it is not the sole determiner of promotion at the end  
91 of Grade 3 and that additional evaluations, including portfolio  
92 reviews and alternative assessments, are available through good  
93 cause exemptions.

94 (4) **Elimination of social promotion.** Beginning with the  
95 2013-2014 school year, if the student's reading deficiency, as  
96 identified in subsection (2) of this section, is not remedied by  
97 the end of Grade 3, as demonstrated by scoring below grade level  
98 on the Grade 3 statewide reading assessment, the student must be  
99 retained.



100           (5) **Summer reading camp.** The school district must provide  
101 summer reading camps to all Grade 3 students scoring below grade  
102 level on the Grade 3 statewide reading assessment. Summer Reading  
103 Camps must be staffed with effective or highly effective teachers  
104 of reading as determined by the teacher evaluation system. The  
105 effective or highly effective teacher of reading shall provide  
106 reading intervention services and supports to correct the  
107 identified area(s) of reading deficiency.

108           (6) **Good cause exemptions.** The district school board may  
109 only exempt students from mandatory retention, as provided in  
110 subsection (4) of this section, for good cause. Good cause  
111 exemptions shall be limited to the following:

112                   (a) Students who demonstrate grade-level performance on  
113 an alternative standardized reading assessment approved by the  
114 State Board of Education.

115                   (b) Students who demonstrate, through a student  
116 portfolio, grade-level performance as evidenced by demonstrating  
117 mastery of all Grade 3 state reading standards through multiple  
118 work samples.

119                   (c) Students with disabilities whose Individual  
120 Education Plan indicates that participation in the statewide  
121 assessment program is not appropriate, consistent with state law.

122                   (d) Limited English proficient students who have had  
123 less than two (2) years of instruction in an English language  
124 learner program.



125 (e) Students with disabilities who participate in the  
126 statewide assessment and who have an Individual Education Plan or  
127 a Section 504 plan that reflects that the student has received  
128 intensive reading intervention for more than two (2) years but  
129 still demonstrates a deficiency in reading and was previously  
130 retained in Kindergarten, Grade 1, Grade 2 or Grade 3.

131 (f) Students who have received intensive reading  
132 intervention for two (2) or more years but still demonstrate a  
133 deficiency in reading and who were previously retained in  
134 Kindergarten, Grade 1, Grade 2 or Grade 3 for a total of two (2)  
135 years.

136 (7) **Requests for good cause exemptions.** Requests to exempt  
137 students from the mandatory retention requirement using one of the  
138 good cause exemptions as described in subsection (6) of this  
139 section shall be made consistent with the following:

140 (a) Documentation shall be submitted from the student's  
141 teacher to the school principal that indicates that the promotion  
142 of the student is appropriate. Such documentation shall consist  
143 only of the good cause exemption being requested, the existing  
144 reading improvement plan or Individual Education Plan, and the  
145 alternative assessment or student portfolio results as applicable.

146 (b) The school principal shall review and discuss the  
147 recommendation with the teacher and make the determination as to  
148 whether the student should be promoted. If the school principal  
149 determines that the student should be promoted based on the



150 documentation provided, the school principal shall make such  
151 recommendation in writing to the district school superintendent.  
152 The district school superintendent shall accept or reject the  
153 school principal's recommendation in writing.

154       (8) **Students promoted with a good cause exemption.** A  
155 student who is promoted to Grade 4 with a good cause exemption  
156 shall be provided intensive reading instruction and intervention  
157 that includes specialized diagnostic information and specific  
158 reading strategies to meet the needs of each student so promoted.  
159 The school district shall assist schools and teachers with the  
160 implementation of reading strategies for students promoted with a  
161 good cause exemption that research has shown to be successful in  
162 improving reading among students with reading difficulties.

163       (9) **Parent notification of retention.** The school district  
164 shall assist schools with providing written notification to the  
165 parent of any student who is retained that his or her child has  
166 not met the proficiency level required for promotion, the reasons  
167 the child is not eligible for a good cause exemption, and that  
168 his/her child will be retained in Grade 3. The notification must  
169 include a description of the proposed interventions and supports  
170 that will be provided to the child to ameliorate the identified  
171 area(s) of reading deficiency.

172       (10) **Successful progression of retained readers.** Beginning  
173 with the 2013-2014 school year, students retained under the  
174 provisions of subsection (4) of this section must be provided



175 intensive reading intervention to remedy the student's specific  
176 reading deficiency, as identified by a valid and reliable  
177 diagnostic assessment. The reading intervention services must  
178 include effective instructional strategies necessary to assist  
179 those students in becoming successful readers, and ready for  
180 promotion to the next grade. Each school district shall:

181 (a) Conduct a review of student reading improvement  
182 plans for all students who scored below grade level on the reading  
183 portion of the statewide assessment and who did not meet the  
184 criteria for one of the good cause exemptions. The review shall  
185 address additional supports and services, as described in this  
186 paragraph (a), needed to correct the identified area(s) of reading  
187 deficiency.

188 (b) Provide students who are retained with a highly  
189 effective teacher of reading as determined by the teacher  
190 evaluation system.

191 (c) Provide students who are retained with reading  
192 intervention services and supports to correct the identified  
193 area(s) of reading deficiency, including, but not limited to:

194 (i) More dedicated time than the previous school  
195 year spent in scientifically research-based reading instruction  
196 and intervention;

197 (ii) Daily targeted small group reading  
198 intervention based on student needs determined by diagnostic  
199 assessment data;





200 (iii) Reading programs that are scientifically  
201 research-based and have proven results in accelerating student  
202 reading achievement within the same school year;

203 (iv) Explicit and systematic instruction with more  
204 detailed explanations, more extensive opportunities for guided  
205 practice, and more opportunities for error correction and  
206 feedback;

207 (v) Administration of ongoing progress monitoring  
208 assessments to frequently monitor student progress; and

209 (vi) Before and/or after school supplemental  
210 research-based reading intervention delivered by a teacher or  
211 tutor with specialized reading training.

212 (d) Provide parents of retained students with a "Read  
213 at Home" plan outlined in a parental contract, including  
214 participation in parent-training workshops and regular  
215 parent-guided home reading.

216 (11) **Intensive acceleration class.** Establish at each  
217 school, where applicable, an intensive acceleration class for any  
218 student retained in Grade 3 who was previously retained in  
219 Kindergarten, Grade 1, Grade 2 or Grade 3. The focus of the  
220 intensive acceleration class shall be to increase a child's  
221 reading level at least two (2) grade levels in one (1) school  
222 year.

223 (a) The intensive acceleration class shall:

224 (i) Have a reduced teacher-student ratio;



225 (ii) Provide students with a highly effective  
226 teacher of reading as determined by the teacher evaluation system;

227 (iii) Provide reading instruction and intervention  
228 for the majority of student contact time each day and incorporate  
229 opportunities to master the Grade 4 state standards in other core  
230 academic areas;

231 (iv) Use reading programs that are scientifically  
232 research-based and have proven results in accelerating student  
233 reading achievement within the same school year;

234 (v) Provide intensive language and vocabulary  
235 instruction, including use of a speech-language therapist;

236 (vi) Frequently administer ongoing progress  
237 monitoring assessments to monitor student progress;

238 (vii) Provide a student the option of being placed  
239 in a transitional instructional setting. Such setting shall  
240 specifically be designed to produce learning gains sufficient to  
241 meet Grade 4 performance standards while continuing to correct the  
242 area(s) of reading deficiency;

243 (viii) Provide before and/or after school  
244 supplemental research-based reading instruction delivered by a  
245 teacher or tutor with specialized reading training; and

246 (ix) Provide parents with a "Read at Home" plan  
247 outlined in a parental contract, including participation in parent  
248 training workshops and regular parent-guided home reading.



249 (b) Each school district shall report to the Department  
250 of Education, in the manner described by the department, the  
251 progress of every student enrolled in the intensive acceleration  
252 class at the end of the first semester.

253 (2) **District annual reporting.** Each district school board  
254 must annually report in writing to the Department of Education by  
255 September 1 of each year, the following information on the prior  
256 school year:

257 (a) The district school board's policies and procedures  
258 on student retention and promotion.

259 (b) By grade, the number and percentage of all students  
260 in Grades K-3 who were identified with a reading deficiency at the  
261 beginning of the school year, and met grade-level standards at the  
262 end of the school year, as demonstrated on the state-approved  
263 local assessment or statewide assessment.

264 (c) By grade, the number and percentage of all students  
265 in Grades K-3 performing below grade level on the state-approved  
266 local assessment or statewide assessment.

267 (d) By grade, the number and percentage of all students  
268 retained in Grades K-3.

269 (e) Information on the total number and percentage of  
270 students in Grade 3 who were promoted for good cause, by each  
271 category of good cause as specified in subsection (6) of this  
272 section.



273 (f) Any revisions to the district school board's policy  
274 on student retention and promotion from the prior year.

275 (13) **Department responsibilities.** The Department of  
276 Education shall establish a uniform format for school districts to  
277 report the information required. The format shall be developed  
278 with input from district school boards and shall be provided to  
279 each school district no later than ninety (90) days prior to the  
280 annual due date. The department shall annually compile the  
281 information required along with state-level summary information,  
282 and report such information to the State Board of Education, the  
283 public, Governor, the Chairmen of the Education Committees of the  
284 Senate and House of Representatives by October 1 of each year.  
285 The department shall provide technical assistance as needed to aid  
286 local district school boards in administering this section.

287 (14) **State board authority and responsibilities.** The State  
288 Board of Education shall have authority to issue necessary  
289 regulations to enforce this act.

290 **SECTION 4.** Section 37-13-91, Mississippi Code of 1972, is  
291 amended as follows:

292 37-13-91. (1) This section shall be referred to as the  
293 "Mississippi Compulsory School Attendance Law."

294 (2) The following terms as used in this section are defined  
295 as follows:



296 (a) "Parent" means the father or mother to whom a child  
297 has been born, or the father or mother by whom a child has been  
298 legally adopted.

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

302 (c) "Custodian" means any person having the present  
303 care or custody of a child, other than a parent or guardian of the  
304 child.

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

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

314 (f) "Compulsory-school-age child" means a child who has  
315 attained or will attain the age of \* \* \* five (5) years on or  
316 before September 1 of the calendar year and who has not attained  
317 the age of seventeen (17) years on or before September 1 \* \* \*.

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



320 (h) "Appropriate school official" means the  
321 superintendent of the school district, or his designee, or, in the  
322 case of a nonpublic school, the principal or the headmaster.

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

329 (3) A parent, guardian or custodian of a  
330 compulsory-school-age child in this state shall cause the child to  
331 enroll in and attend a public school or legitimate nonpublic  
332 school for the period of time that the child is of compulsory  
333 school age, except under the following circumstances:

334 (a) When a compulsory-school-age child is physically,  
335 mentally or emotionally incapable of attending school as  
336 determined by the appropriate school official based upon  
337 sufficient medical documentation.

338 (b) When a compulsory-school-age child is enrolled in  
339 and pursuing a course of special education, remedial education or  
340 education for handicapped or physically or mentally disadvantaged  
341 children.

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



344           The parent, guardian or custodian of a compulsory-school-age  
345 child described in this subsection, or the parent, guardian or  
346 custodian of a compulsory-school-age child attending any nonpublic  
347 school, or the appropriate school official for any or all children  
348 attending a nonpublic school shall complete a "certificate of  
349 enrollment" in order to facilitate the administration of this  
350 section.

351           The form of the certificate of enrollment shall be prepared  
352 by the Office of Compulsory School Attendance Enforcement of the  
353 State Department of Education and shall be designed to obtain the  
354 following information only:

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

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

359                   (iii) A simple description of the type of  
360 education the compulsory-school-age child is receiving and, if the  
361 child is enrolled in a nonpublic school, the name and address of  
362 the school; and

363                   (iv) The signature of the parent, guardian or  
364 custodian of the compulsory-school-age child or, for any or all  
365 compulsory-school-age child or children attending a nonpublic  
366 school, the signature of the appropriate school official and the  
367 date signed.



368           The certificate of enrollment shall be returned to the school  
369 attendance officer where the child resides on or before September  
370 15 of each year. Any parent, guardian or custodian found by the  
371 school attendance officer to be in noncompliance with this section  
372 shall comply, after written notice of the noncompliance by the  
373 school attendance officer, with this subsection within ten (10)  
374 days after the notice or be in violation of this section.  
375 However, in the event the child has been enrolled in a public  
376 school within fifteen (15) calendar days after the first day of  
377 the school year as required in subsection (6), the parent or  
378 custodian may, at a later date, enroll the child in a legitimate  
379 nonpublic school or legitimate home instruction program and send  
380 the certificate of enrollment to the school attendance officer and  
381 be in compliance with this subsection.

382           For the purposes of this subsection, a legitimate nonpublic  
383 school or legitimate home instruction program shall be those not  
384 operated or instituted for the purpose of avoiding or  
385 circumventing the compulsory attendance law.

386           (4) An "unlawful absence" is an absence during a school day  
387 by a compulsory-school-age child, which absence is not due to a  
388 valid excuse for temporary nonattendance. Days missed from school  
389 due to disciplinary suspension shall not be considered an  
390 "excused" absence under this section. This subsection shall not  
391 apply to children enrolled in a nonpublic school.





392 Each of the following shall constitute a valid excuse for  
393 temporary nonattendance of a compulsory-school-age child enrolled  
394 in a public school, provided satisfactory evidence of the excuse  
395 is provided to the superintendent of the school district, or his  
396 designee:

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

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

406 (c) An absence is excused when isolation of a  
407 compulsory-school-age child is ordered by the county health  
408 officer, by the State Board of Health or appropriate school  
409 official.

410 (d) An absence is excused when it results from the  
411 death or serious illness of a member of the immediate family of a  
412 compulsory-school-age child. The immediate family members of a  
413 compulsory-school-age child shall include children, spouse,  
414 grandparents, parents, brothers and sisters, including  
415 stepbrothers and stepsisters.



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

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

422 (g) An absence may be excused if the religion to which  
423 the compulsory-school-age child or the child's parents adheres,  
424 requires or suggests the observance of a religious event. The  
425 approval of the absence is within the discretion of the  
426 superintendent of the school district, or his designee, but  
427 approval should be granted unless the religion's observance is of  
428 such duration as to interfere with the education of the child.

429 (h) An absence may be excused when it is demonstrated  
430 to the satisfaction of the superintendent of the school district,  
431 or his designee, that the purpose of the absence is to take  
432 advantage of a valid educational opportunity such as travel,  
433 including vacations or other family travel. Approval of the  
434 absence must be gained from the superintendent of the school  
435 district, or his designee, before the absence, but the approval  
436 shall not be unreasonably withheld.

437 (i) An absence may be excused when it is demonstrated  
438 to the satisfaction of the superintendent of the school district,  
439 or his designee, that conditions are sufficient to warrant the  
440 compulsory-school-age child's nonattendance. However, no absences



441 shall be excused by the school district superintendent, or his  
442 designee, when any student suspensions or expulsions circumvent  
443 the intent and spirit of the compulsory attendance law.

444 (5) Any parent, guardian or custodian of a  
445 compulsory-school-age child subject to this section who refuses or  
446 willfully fails to perform any of the duties imposed upon him or  
447 her under this section or who intentionally falsifies any  
448 information required to be contained in a certificate of  
449 enrollment, shall be guilty of contributing to the neglect of a  
450 child and, upon conviction, shall be punished in accordance with  
451 Section 97-5-39.

452 Upon prosecution of a parent, guardian or custodian of a  
453 compulsory-school-age child for violation of this section, the  
454 presentation of evidence by the prosecutor that shows that the  
455 child has not been enrolled in school within eighteen (18)  
456 calendar days after the first day of the school year of the public  
457 school which the child is eligible to attend, or that the child  
458 has accumulated twelve (12) unlawful absences during the school  
459 year at the public school in which the child has been enrolled,  
460 shall establish a prima facie case that the child's parent,  
461 guardian or custodian is responsible for the absences and has  
462 refused or willfully failed to perform the duties imposed upon him  
463 or her under this section. However, no proceedings under this  
464 section shall be brought against a parent, guardian or custodian  
465 of a compulsory-school-age child unless the school attendance



466 officer has contacted promptly the home of the child and has  
467 provided written notice to the parent, guardian or custodian of  
468 the requirement for the child's enrollment or attendance.

469 (6) If a compulsory-school-age child has not been enrolled  
470 in a school within fifteen (15) calendar days after the first day  
471 of the school year of the school which the child is eligible to  
472 attend or the child has accumulated five (5) unlawful absences  
473 during the school year of the public school in which the child is  
474 enrolled, the school district superintendent or his designee shall  
475 report, within two (2) school days or within five (5) calendar  
476 days, whichever is less, the absences to the school attendance  
477 officer. The State Department of Education shall prescribe a  
478 uniform method for schools to utilize in reporting the unlawful  
479 absences to the school attendance officer. The superintendent, or  
480 his designee, also shall report any student suspensions or student  
481 expulsions to the school attendance officer when they occur.

482 (7) When a school attendance officer has made all attempts  
483 to secure enrollment and/or attendance of a compulsory-school-age  
484 child and is unable to effect the enrollment and/or attendance,  
485 the attendance officer shall file a petition with the youth court  
486 under Section 43-21-451 or shall file a petition in a court of  
487 competent jurisdiction as it pertains to parent or child.  
488 Sheriffs, deputy sheriffs and municipal law enforcement officers  
489 shall be fully authorized to investigate all cases of  
490 nonattendance and unlawful absences by compulsory-school-age



491 children, and shall be authorized to file a petition with the  
492 youth court under Section 43-21-451 or file a petition or  
493 information in the court of competent jurisdiction as it pertains  
494 to parent or child for violation of this section. The youth court  
495 shall expedite a hearing to make an appropriate adjudication and a  
496 disposition to ensure compliance with the Compulsory School  
497 Attendance Law, and may order the child to enroll or re-enroll in  
498 school. The superintendent of the school district to which the  
499 child is ordered may assign, in his discretion, the child to the  
500 alternative school program of the school established pursuant to  
501 Section 37-13-92.

502 (8) The State Board of Education shall adopt rules and  
503 regulations for the purpose of reprimanding any school  
504 superintendents who fail to timely report unexcused absences under  
505 the provisions of this section.

506 (9) Notwithstanding any provision or implication herein to  
507 the contrary, it is not the intention of this section to impair  
508 the primary right and the obligation of the parent or parents, or  
509 person or persons in loco parentis to a child, to choose the  
510 proper education and training for such child, and nothing in this  
511 section shall ever be construed to grant, by implication or  
512 otherwise, to the State of Mississippi, any of its officers,  
513 agencies or subdivisions any right or authority to control,  
514 manage, supervise or make any suggestion as to the control,  
515 management or supervision of any private or parochial school or



516 institution for the education or training of children, of any kind  
517 whatsoever that is not a public school according to the laws of  
518 this state; and this section shall never be construed so as to  
519 grant, by implication or otherwise, any right or authority to any  
520 state agency or other entity to control, manage, supervise,  
521 provide for or affect the operation, management, program,  
522 curriculum, admissions policy or discipline of any such school or  
523 home instruction program.

524       **SECTION 5.** Section 37-16-7, Mississippi Code of 1972, is  
525 amended as follows:

526       37-16-7. (1) Each district school board shall establish  
527 standards for graduation from its schools which shall include as a  
528 minimum:

529           (a) Mastery of minimum academic skills as measured by  
530 assessments developed and administered by the State Board of  
531 Education.

532           (b) Completion of a minimum number of academic credits,  
533 and all other applicable requirements prescribed by the district  
534 school board.

535       (2) A student who meets all requirements prescribed in  
536 subsection (1) of this section shall be awarded a standard diploma  
537 in a form prescribed by the State Board of Education.

538       (3) The State Board of Education may establish student  
539 proficiency standards for promotion to grade levels leading to  
540 graduation, subject to the provisions of Section 1 of this act



541 relating to student reading deficiency and retention in the Third  
542 Grade.

543       **SECTION 6.** Section 37-13-10, Mississippi Code of 1972, which  
544 provides for a Reading Sufficiency Program of Instruction and  
545 components thereof, is hereby repealed.

546       **SECTION 7.** This act shall take effect and be in force from  
547 and after July 1, 2013.

