

By: Representatives Byrd, Sykes, Bennett,  
Hines, Dixon

To: Education; Judiciary B

HOUSE BILL NO. 773

1 AN ACT TO CREATE NEW SECTION MISSISSIPPI CODE OF 1972, TO  
 2 37-13.80.2, TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO  
 3 PROVIDE A BIENNIAL REPORT TO THE DIRECTOR OF THE MISSISSIPPI YOUTH  
 4 CHALLENGE ACADEMY CONTAINING INFORMATION OF THE IDENTITY, LAST  
 5 KNOWN ADDRESS AND LAST DATE OF ATTENDANCE OF STUDENTS BETWEEN THE  
 6 AGES OF 16 AND 18 YEARS OF AGE WHO ARE PRESUMED TO HAVE DROPPED  
 7 OUT OF SCHOOL IN EACH SCHOOL DISTRICT; TO REQUIRE SCHOOL DISTRICTS  
 8 TO PROVIDE WRITTEN NOTICE TO PARENTS AND CERTAIN STUDENTS OF THE  
 9 DISCLOSURE OF INFORMATION AND AN OPPORTUNITY TO OBJECT TO SAID  
 10 DISCLOSURE; TO REQUIRE THE DIRECTOR OF THE YOUTH CHALLENGE ACADEMY  
 11 TO CERTIFY THE NONDISCLOSURE OF INFORMATION TO THIRD PARTIES  
 12 EXCEPT THOSE INDIVIDUALS EMPLOYED BY THE PROGRAM FOR RECRUITMENT  
 13 AND RETENTION OF STUDENTS; TO AMEND SECTION 43-27-203, MISSISSIPPI  
 14 CODE OF 1972, IN CONFORMITY TO THE PRECEDING PROVISIONS; AND FOR  
 15 RELATED PURPOSES.

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

17 **SECTION 1.** The following shall be codified as Section  
 18 37-13-80.2, Mississippi Code of 1972:

19 37-13-80.2. (1) Except as provided in subsection (2) of this  
 20 section, on or before January 15 and July 15 of each year, the  
 21 State Department of Education shall provide to the Director of the  
 22 Mississippi Youth Challenge Academy, operated by the Mississippi  
 23 National Guard for the purposes of educating and training youth, a



24 biannual report containing the name, last known address and last  
25 dates of attendance of a student who:

26 (a) Is at least sixteen (16) years of age but has not  
27 attained the age of nineteen (19);

28 (b) Was enrolled, but is no longer in a school district  
29 in the state;

30 (c) Has not provided school transfer or graduation  
31 information to another school district within or outside of the  
32 state; and

33 (d) Has not received a high school diploma or a high  
34 school equivalency diploma or general educational development  
35 certificate.

36 (2) At the beginning of each school year, each school  
37 district shall provide a written notice to the parent or legal  
38 guardian of the student, or, if the student is at least eighteen  
39 (18) years of age, to the student, of the disclosure of  
40 information under subsection (1) of this section and provide an  
41 opportunity for objection to the disclosure.

42 (3) The official to whom the information in subsection (1)  
43 is provided shall certify in writing to the State Department of  
44 Education, which shall affirm such certification to local school  
45 districts, that the information will not be disclosed to any other  
46 party except as necessary to recruit and retain students.

47 **SECTION 2.** Section 43-27-203, Mississippi Code of 1972, is  
48 amended as follows:



49           43-27-203. (1) There is created under the Mississippi  
50 National Guard a program to be known as the "Youth Challenge  
51 Program." The program shall be an interdiction program designed  
52 for children determined to be "at risk" by the National Guard.

53           (2) The Mississippi National Guard shall implement and  
54 administer the Youth Challenge Program and shall promulgate rules  
55 and regulations concerning the administration of the program and  
56 the gathering and use of information provided by the State  
57 Department of Education relating the identifying information of  
58 and the number of student dropouts as prescribed under Section 1  
59 of this act. The National Guard shall prepare written guidelines  
60 concerning the nomination and selection process of participants in  
61 the program, and such guidelines shall include a list of the  
62 factors considered in the selection process.

63           (3) Participation in the Youth Challenge Program shall be on  
64 a voluntary basis. No child may be sentenced by any court to  
65 participate in the program; however, a youth court judge may refer  
66 the program to a child when, under his determination, such program  
67 would be sufficient to meet the needs of the child.

68           (4) The Mississippi National Guard, under the auspices of  
69 the Challenge Academy, may award an adult high school diploma to  
70 each participant who meets the requirements for a High School  
71 Equivalency Diploma equivalent under the policies and guidelines  
72 of the GED Testing Service of the American Council on Education  
73 and any other minimum academic requirements prescribed by the



74 National Guard and Challenge Academy for graduation from the Youth  
75 Challenge Program. Participants in the program who do not meet  
76 the minimum academic requirements may be awarded a special  
77 certificate of attendance. The Mississippi National Guard and the  
78 Challenge Academy shall establish rules and regulations for  
79 awarding the adult high school diploma and shall prescribe the  
80 form for such diploma and the certificate of attendance.

81 (5) The Mississippi National Guard may accept any available  
82 funds that may be used to defray the expenses of the program,  
83 including, but not limited to, federal funding, public or private  
84 funds and any funds that may be appropriated by the Legislature  
85 for that purpose.

86 **SECTION 3.** This act shall take effect and be in force from  
87 and after July 1, 2016.

