

By: Representative Chism

To: Education

HOUSE BILL NO. 1317

1 AN ACT TO AMEND SECTIONS 37-15-1, 37-15-2 AND 37-15-3,  
2 MISSISSIPPI CODE OF 1972, TO REQUIRE SCHOOL DISTRICTS TO STORE THE  
3 PERMANENT AND CUMULATIVE RECORDS OF STUDENTS IN A DIGITAL FORMAT  
4 COMPATIBLE WITH THE MISSISSIPPI STUDENT INFORMATION SYSTEM (MSIS)  
5 THAT DOES NOT VIOLATE THE PROVISIONS OF THE FAMILY EDUCATIONAL  
6 RIGHTS AND PRIVACY ACT OF 1974; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 37-15-1, Mississippi Code of 1972, is  
9 amended as follows:

10 37-15-1. The State Board of Education shall prepare and  
11 provide necessary forms for keeping permanent records and  
12 cumulative folders for each pupil in the public schools, including  
13 charter schools, of the state, and shall be consistent with the  
14 manner prescribed in Section 37-15-2 for storage of such records.

15 In the permanent record and cumulative folders, the teachers and  
16 principals shall keep information concerning the pupil's date of  
17 birth, as verified by the documentation authorized in this  
18 section, record of attendance, grades and withdrawal from the  
19 school, including the date of any expulsion from the school and a  
20 description of the student's act or behavior resulting in the



21 expulsion. The records also shall contain information pertaining  
22 to immunization and such other information as the State Board of  
23 Education may prescribe. The cumulative folder, in addition to  
24 that information maintained in the permanent records, also shall  
25 contain such other information as the State Board of Education  
26 shall prescribe. It shall be the responsibility of the person in  
27 charge of each school to enforce the requirement for evidence of  
28 the age of each pupil before enrollment. If the first prescribed  
29 evidence is not available, the next evidence obtainable in the  
30 order set forth below shall be accepted:

31 (a) A certified birth certificate;

32 (b) A duly attested transcript of a certificate of  
33 baptism showing the date of birth and place of baptism of the  
34 child, accompanied by an affidavit sworn to by a parent,  
35 grandparent or custodian;

36 (c) An insurance policy on the child's life which has  
37 been in force for at least two (2) years;

38 (d) A bona fide contemporary Bible record of the  
39 child's birth accompanied by an affidavit sworn to by the parent,  
40 grandparent or custodian;

41 (e) A passport or certificate of arrival in the United  
42 States showing the age of the child;

43 (f) A transcript of record of age shown in the child's  
44 school record of at least four (4) years prior to application,  
45 stating date of birth; or



46 (g) If none of these evidences can be produced, an  
47 affidavit of age sworn to by a parent, grandparent or custodian.  
48 Any child enrolling in kindergarten or Grade 1 shall present the  
49 required evidence of age upon enrollment. Any child in Grades 2  
50 through 12 not in compliance at the end of sixty (60) days from  
51 enrollment shall be suspended until in compliance.

52 **SECTION 2.** Section 37-15-2, Mississippi Code of 1972, is  
53 amended as follows:

54 37-15-2. The permanent record provided for in Section  
55 37-15-1 shall be kept, while it is active, in the attendance  
56 center office in a fire resistant container.

57 The permanent record shall be considered active: (a) if the  
58 student is enrolled in the school; or (b) if he has withdrawn or  
59 has been expelled and the students of the class of which he was a  
60 member shall not have reached the time of graduation.

61 At the point of the student's graduation or at the time when  
62 the student would normally have graduated had he not withdrawn or  
63 been expelled from school, the student's permanent record  
64 shall \* \* \* be stored digitally as designated and provided by the  
65 school board of the school district \* \* \* in a form and manner  
66 compatible with the Mississippi Student Information System (MSIS)  
67 that does not violate the provisions of the Family Educational  
68 Rights and Privacy Act of 1974 (FERPA), as amended, 20 USCS  
69 Section 1232g and 34 CFR Part 99, which protects the privacy of  
70 student records by requiring the removal of any personally



71 identifying information and the express written permission of  
72 parents and eligible students. The permanent \* \* \* preservation  
73 of the inactive records shall be the duty of the superintendent of  
74 the school district who shall maintain a central depository of the  
75 records.

76 **SECTION 3.** Section 37-15-3, Mississippi Code of 1972, is  
77 amended as follows:

78 37-15-3. Such cumulative folders as are provided for in  
79 Section 37-15-1 shall be kept in the school wherein the pupils are  
80 in attendance and stored digitally as designated and provided by  
81 the school board of the school district in a form and manner  
82 compatible with the Mississippi Student Information System (MSIS)  
83 that does not violate the provisions of the Family Educational  
84 Rights and Privacy Act of 1974 (FERPA), as amended, 20 USCS  
85 Section 1232g and 34 CFR Part 99, which protects the privacy of  
86 student records by requiring the removal of any personally  
87 identifying information and the express written permission of  
88 parents and eligible students. Both the permanent records and the  
89 cumulative folders shall be available to school officials,  
90 including teachers within the school district who have been  
91 determined by the school district to have legitimate educational  
92 interests. In no case, however, shall such records be available  
93 to the general public. Transcripts of courses and grades may be  
94 furnished when requested by the parent or guardian or eligible  
95 pupil as prescribed in the Family Educational Rights and Privacy



96 Act of 1974, as amended, 20 USCS Section 1232g and 34 CFR Part 99.  
97 Such records shall be kept for each pupil throughout his entire  
98 public school enrollment period. In the event a pupil transfers  
99 to a public school, including a charter school, then the pupil's  
100 digital cumulative folder shall be furnished to the head of the  
101 school to which the pupil transfers; if a pupil transfers to a  
102 private school, then a copy of the pupil's digital cumulative  
103 folder shall be furnished to the head of the school to which the  
104 pupil transfers. The permanent record shall be kept permanently  
105 by the school district from which the pupil transferred in a  
106 digital format as required by the provisions of this section and  
107 Section 37-15-2.

108 At no time may a permanent record of a student be destroyed,  
109 but cumulative folders may be destroyed by order of the school  
110 board of the school district in not less than five (5) years after  
111 the permanent record of the pupil has become inactive and has been  
112 transferred to the central depository of the district. \* \* \*  
113 However, \* \* \* where a school district makes complete copies of  
114 inactive permanent records on photographic film, microfilm, or any  
115 other acceptable form of medium for storage which may be  
116 reproduced as needed, such permanent records may be destroyed  
117 after the photographic film or microfilm copy has been stored in  
118 the central depository of the district.

119 **SECTION 4.** This act shall take effect and be in force from  
120 and after July 1, 2018.

