

By: Representatives Gunn, Hopkins, Karriem,  
Williamson, Brown (20th)

To: Education

HOUSE BILL NO. 1373

1 AN ACT TO CREATE THE "RELEASED-TIME MORAL INSTRUCTION ACT OF  
2 2023"; TO AUTHORIZE LOCAL SCHOOL BOARDS TO PERMIT THE  
3 RELEASED-TIME MORAL INSTRUCTION OF PUPILS; TO PERMIT SCHOOL BOARDS  
4 TO COMPLETE A SURVEY TO DETERMINE PUPILS WITHIN THE SCHOOL  
5 DISTRICT WHO DESIRE RELEASED-TIME MORAL INSTRUCTION AND WHO HAVE  
6 RECEIVED CONSENT FROM THEIR PARENT OR LEGAL GUARDIAN FOR SUCH  
7 INSTRUCTION; TO REQUIRE SCHOOL BOARDS TO ALLOW THOSE STUDENTS  
8 DESIRING RELEASED-TIME MORAL INSTRUCTION TO PARTICIPATE IN  
9 OFF-SITE FOR AT LEAST ONE HOUR, ONE DAY EACH WEEK; TO PROHIBIT THE  
10 SCHOOL DISTRICT FROM PROVIDING OR FACILITATING RELEASED-TIME MORAL  
11 INSTRUCTION ON SCHOOL PREMISES; TO PERMIT LOCAL SCHOOL BOARDS TO  
12 MAKE ARRANGEMENTS WITH THE PERSONS IN CHARGE OF THE RELEASED-TIME  
13 MORAL INSTRUCTION AS THE BOARD DEEMS NECESSARY AND ADVISABLE; TO  
14 PROVIDE THAT STUDENTS SHALL NOT BE PENALIZED OR CONSIDERED ABSENT  
15 FROM THE SCHOOL FOR PURPOSES OF ATTENDING RELEASED-TIME MORAL  
16 INSTRUCTION; TO PROVIDE THAT RELEASED-TIME MORAL INSTRUCTION SHALL  
17 BE GIVEN WITHOUT EXPENSE TO ANY LOCAL SCHOOL BOARD BEYOND THE COST  
18 OF THE ORIGINAL SURVEY; TO AMEND SECTION 37-13-91, MISSISSIPPI  
19 CODE OF 1972, IN CONFORMITY TO THE PRECEDING PROVISIONS; AND FOR  
20 RELATED PURPOSES.

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

22 **SECTION 1.** This act shall be known and may be cited as the  
23 "Released-Time Moral Instruction Act of 2023."

24 **SECTION 2.** (1) Each local school board may provide for  
25 released-time moral instruction of pupils enrolled in the schools  
26 under its jurisdiction, in the manner provided in subsections (2)  
27 through (7) of this section.



28           (2) Each local school board may authorize a complete survey  
29 of all the pupils attending the public schools within the district  
30 and determine those pupils who desire released-time moral  
31 instruction and have received the consent of a parent or legal  
32 guardian for the instruction.

33           (3) The boards of education shall allow pupils who have  
34 expressed a desire for released-time moral instruction and who  
35 have received the required parental consent specified in  
36 subsection (2) to be excused for at least one (1) hour, one (1)  
37 day each week to attend their respective places of worship or some  
38 other suitable place to receive released-time moral instruction in  
39 accordance with the religious faith or preference of the pupils.  
40 No such instruction may be provided or facilitated on school  
41 premises.

42           (4) Each local school board may make arrangements with the  
43 persons in charge of the released-time moral instruction as the  
44 board deems necessary and advisable.

45           (5) Pupils who attend the classes for released-time moral  
46 instruction at the time specified and for the period fixed shall  
47 be credited with the time spent as if they had been in actual  
48 attendance in school, and the time shall be calculated as part of  
49 the actual school day required by Section 37-13-67. The pupil  
50 shall not be penalized for any school work missed during the  
51 specified time.



52 (6) Any pupil who does not participate in the released-time  
53 moral instruction shall remain in school during the time when the  
54 instruction is being given, and shall take noncredit enrichment  
55 courses or participate in educational activities not required in  
56 the regular curriculum, and that time shall be calculated as part  
57 of the actual school day required by Section 37-13-67. Students  
58 of different grade levels may be placed into combined classrooms  
59 in accordance with maximum class size pupil-teacher ratio as  
60 described in Section 37-151-77. These courses or activities shall  
61 be supervised by licensed school personnel and may include, but  
62 are not limited to, the following: study hall, computer  
63 instruction, music, art, library, physical education and tutorial  
64 assistance.

65 (7) Released-time moral instruction shall be given without  
66 expense to any local school board beyond the cost of the original  
67 survey.

68 **SECTION 3.** Section 37-13-91, Mississippi Code of 1972, is  
69 amended as follows:

70 37-13-91. (1) This section shall be referred to as the  
71 "Mississippi Compulsory School Attendance Law."

72 (2) The following terms as used in this section are defined  
73 as follows:

74 (a) "Parent" means the father or mother to whom a child  
75 has been born, or the father or mother by whom a child has been  
76 legally adopted.



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

80 (c) "Custodian" means any person having the present  
81 care or custody of a child, other than a parent or guardian of the  
82 child.

83 (d) "School day" means not less than five and one-half  
84 (5-1/2) and not more than eight (8) hours of actual teaching in  
85 which both teachers and pupils are in regular attendance for  
86 scheduled schoolwork.

87 (e) "School" means any public school, including a  
88 charter school, in this state or any nonpublic school in this  
89 state which is in session each school year for at least one  
90 hundred eighty (180) school days, except that the "nonpublic"  
91 school term shall be the number of days that each school shall  
92 require for promotion from grade to grade.

93 (f) "Compulsory-school-age child" means a child who has  
94 attained or will attain the age of six (6) years on or before  
95 September 1 of the calendar year and who has not attained the age  
96 of seventeen (17) years on or before September 1 of the calendar  
97 year; and shall include any child who has attained or will attain  
98 the age of five (5) years on or before September 1 and has  
99 enrolled in a full-day public school kindergarten program.

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



102           (h) "Appropriate school official" means the  
103 superintendent of the school district, or his designee, or, in the  
104 case of a nonpublic school, the principal or the headmaster.

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

111           (3) A parent, guardian or custodian of a  
112 compulsory-school-age child in this state shall cause the child to  
113 enroll in and attend a public school or legitimate nonpublic  
114 school for the period of time that the child is of compulsory  
115 school age, except under the following circumstances:

116           (a) When a compulsory-school-age child is physically,  
117 mentally or emotionally incapable of attending school as  
118 determined by the appropriate school official based upon  
119 sufficient medical documentation.

120           (b) When a compulsory-school-age child is enrolled in  
121 and pursuing a course of special education, remedial education or  
122 education for handicapped or physically or mentally disadvantaged  
123 children.

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



126           The parent, guardian or custodian of a compulsory-school-age  
127 child described in this subsection, or the parent, guardian or  
128 custodian of a compulsory-school-age child attending any charter  
129 school or nonpublic school, or the appropriate school official for  
130 any or all children attending a charter school or nonpublic school  
131 shall complete a "certificate of enrollment" in order to  
132 facilitate the administration of this section.

133           The form of the certificate of enrollment shall be prepared  
134 by the Office of Compulsory School Attendance Enforcement of the  
135 State Department of Education and shall be designed to obtain the  
136 following information only:

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

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

141                   (iii) A simple description of the type of  
142 education the compulsory-school-age child is receiving and, if the  
143 child is enrolled in a nonpublic school, the name and address of  
144 the school; and

145                   (iv) The signature of the parent, guardian or  
146 custodian of the compulsory-school-age child or, for any or all  
147 compulsory-school-age child or children attending a charter school  
148 or nonpublic school, the signature of the appropriate school  
149 official and the date signed.



150           The certificate of enrollment shall be returned to the school  
151 attendance officer where the child resides on or before September  
152 15 of each year. Any parent, guardian or custodian found by the  
153 school attendance officer to be in noncompliance with this section  
154 shall comply, after written notice of the noncompliance by the  
155 school attendance officer, with this subsection within ten (10)  
156 days after the notice or be in violation of this section.  
157 However, in the event the child has been enrolled in a public  
158 school within fifteen (15) calendar days after the first day of  
159 the school year as required in subsection (6), the parent or  
160 custodian may, at a later date, enroll the child in a legitimate  
161 nonpublic school or legitimate home instruction program and send  
162 the certificate of enrollment to the school attendance officer and  
163 be in compliance with this subsection.

164           For the purposes of this subsection, a legitimate nonpublic  
165 school or legitimate home instruction program shall be those not  
166 operated or instituted for the purpose of avoiding or  
167 circumventing the compulsory attendance law.

168           (4) An "unlawful absence" is an absence for an entire school  
169 day or during part of a school day by a compulsory-school-age  
170 child, which absence is not due to a valid excuse for temporary  
171 nonattendance. For purposes of reporting absenteeism under  
172 subsection (6) of this section, if a compulsory-school-age child  
173 has an absence that is more than thirty-seven percent (37%) of the  
174 instructional day, as fixed by the school board for the school at



175 which the compulsory-school-age child is enrolled, the child must  
176 be considered absent the entire school day. Days missed from  
177 school due to disciplinary suspension shall not be considered an  
178 "excused" absence under this section. This subsection shall not  
179 apply to children enrolled in a nonpublic school.

180 Each of the following shall constitute a valid excuse for  
181 temporary nonattendance of a compulsory-school-age child enrolled  
182 in a noncharter public school, provided satisfactory evidence of  
183 the excuse is provided to the superintendent of the school  
184 district, or his designee:

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

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

194 (c) An absence is excused when isolation of a  
195 compulsory-school-age child is ordered by the county health  
196 officer, by the State Board of Health or appropriate school  
197 official.

198 (d) An absence is excused when it results from the  
199 death or serious illness of a member of the immediate family of a





200 compulsory-school-age child. The immediate family members of a  
201 compulsory-school-age child shall include children, spouse,  
202 grandparents, parents, brothers and sisters, including  
203 stepbrothers and stepsisters.

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

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

210 (g) An absence may be excused if the religion to which  
211 the compulsory-school-age child or the child's parents adheres,  
212 requires or suggests the observance of a religious event. The  
213 approval of the absence is within the discretion of the  
214 superintendent of the school district, or his designee, but  
215 approval should be granted unless the religion's observance is of  
216 such duration as to interfere with the education of the child.  
217 Additionally, students may be excused by school districts which  
218 have adopted a policy allowing students' voluntary participation  
219 in an approved released-time moral instruction program.

220 (h) An absence may be excused when it is demonstrated  
221 to the satisfaction of the superintendent of the school district,  
222 or his designee, that the purpose of the absence is to take  
223 advantage of a valid educational opportunity such as travel,  
224 including vacations or other family travel. Approval of the



225 absence must be gained from the superintendent of the school  
226 district, or his designee, before the absence, but the approval  
227 shall not be unreasonably withheld.

228 (i) An absence may be excused when it is demonstrated  
229 to the satisfaction of the superintendent of the school district,  
230 or his designee, that conditions are sufficient to warrant the  
231 compulsory-school-age child's nonattendance. However, no absences  
232 shall be excused by the school district superintendent, or his  
233 designee, when any student suspensions or expulsions circumvent  
234 the intent and spirit of the compulsory attendance law.

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

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

246 (5) Any parent, guardian or custodian of a  
247 compulsory-school-age child subject to this section who refuses or  
248 willfully fails to perform any of the duties imposed upon him or  
249 her under this section or who intentionally falsifies any



250 information required to be contained in a certificate of  
251 enrollment, shall be guilty of contributing to the neglect of a  
252 child and, upon conviction, shall be punished in accordance with  
253 Section 97-5-39.

254       Upon prosecution of a parent, guardian or custodian of a  
255 compulsory-school-age child for violation of this section, the  
256 presentation of evidence by the prosecutor that shows that the  
257 child has not been enrolled in school within eighteen (18)  
258 calendar days after the first day of the school year of the public  
259 school which the child is eligible to attend, or that the child  
260 has accumulated twelve (12) unlawful absences during the school  
261 year at the public school in which the child has been enrolled,  
262 shall establish a prima facie case that the child's parent,  
263 guardian or custodian is responsible for the absences and has  
264 refused or willfully failed to perform the duties imposed upon him  
265 or her under this section. However, no proceedings under this  
266 section shall be brought against a parent, guardian or custodian  
267 of a compulsory-school-age child unless the school attendance  
268 officer has contacted promptly the home of the child and has  
269 provided written notice to the parent, guardian or custodian of  
270 the requirement for the child's enrollment or attendance.

271       (6) If a compulsory-school-age child has not been enrolled  
272 in a school within fifteen (15) calendar days after the first day  
273 of the school year of the school which the child is eligible to  
274 attend or the child has accumulated five (5) unlawful absences



275 during the school year of the public school in which the child is  
276 enrolled, the school district superintendent, or his designee,  
277 shall report, within two (2) school days or within five (5)  
278 calendar days, whichever is less, the absences to the school  
279 attendance officer. The State Department of Education shall  
280 prescribe a uniform method for schools to utilize in reporting the  
281 unlawful absences to the school attendance officer. The  
282 superintendent, or his designee, also shall report any student  
283 suspensions or student expulsions to the school attendance officer  
284 when they occur.

285 (7) When a school attendance officer has made all attempts  
286 to secure enrollment and/or attendance of a compulsory-school-age  
287 child and is unable to effect the enrollment and/or attendance,  
288 the attendance officer shall file a petition with the youth court  
289 under Section 43-21-451 or shall file a petition in a court of  
290 competent jurisdiction as it pertains to parent or child.  
291 Sheriffs, deputy sheriffs and municipal law enforcement officers  
292 shall be fully authorized to investigate all cases of  
293 nonattendance and unlawful absences by compulsory-school-age  
294 children, and shall be authorized to file a petition with the  
295 youth court under Section 43-21-451 or file a petition or  
296 information in the court of competent jurisdiction as it pertains  
297 to parent or child for violation of this section. The youth court  
298 shall expedite a hearing to make an appropriate adjudication and a  
299 disposition to ensure compliance with the Compulsory School



300 Attendance Law, and may order the child to enroll or re-enroll in  
301 school. The superintendent of the school district to which the  
302 child is ordered may assign, in his discretion, the child to the  
303 alternative school program of the school established pursuant to  
304 Section 37-13-92.

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

309 (9) Notwithstanding any provision or implication herein to  
310 the contrary, it is not the intention of this section to impair  
311 the primary right and the obligation of the parent or parents, or  
312 person or persons in loco parentis to a child, to choose the  
313 proper education and training for such child, and nothing in this  
314 section shall ever be construed to grant, by implication or  
315 otherwise, to the State of Mississippi, any of its officers,  
316 agencies or subdivisions any right or authority to control,  
317 manage, supervise or make any suggestion as to the control,  
318 management or supervision of any private or parochial school or  
319 institution for the education or training of children, of any kind  
320 whatsoever that is not a public school according to the laws of  
321 this state; and this section shall never be construed so as to  
322 grant, by implication or otherwise, any right or authority to any  
323 state agency or other entity to control, manage, supervise,  
324 provide for or affect the operation, management, program,



325 curriculum, admissions policy or discipline of any such school or  
326 home instruction program.

327           **SECTION 4.** This act shall take effect and be in force from  
328 and after July 1, 2023.

