

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

To: Education

HOUSE BILL NO. 1373
(As Passed the House)

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 STUDENTS WHO DO NOT PARTICIPATE IN
17 RELEASED-TIME MORAL INSTRUCTION SHALL CONTINUE IN THE REGULAR
18 COURSE OF DAILY INSTRUCTION; TO PROVIDE THAT RELEASED-TIME MORAL
19 INSTRUCTION SHALL BE GIVEN WITHOUT EXPENSE TO ANY LOCAL SCHOOL
20 BOARD BEYOND THE COST OF THE ORIGINAL SURVEY; TO AMEND SECTION
21 37-13-91, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING
22 PROVISIONS; AND FOR RELATED PURPOSES.

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

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

26 **SECTION 2.** (1) Each local school board may provide for
27 released-time moral instruction of pupils enrolled in the schools



28 under its jurisdiction, in the manner provided in subsections (2)
29 through (7) of this section.

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

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

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

47 (5) Pupils who attend the classes for released-time moral
48 instruction at the time specified and for the period fixed shall
49 be credited with the time spent as if they had been in actual
50 attendance in school, and the time shall be calculated as part of
51 the actual school day required by Section 37-13-67. The pupil



52 shall not be penalized for any school work missed during the
53 specified time.

54 (6) Any pupil who does not participate in the released-time
55 moral instruction shall remain in school during the time when the
56 instruction is being given, and shall continue in the regular
57 course of study by taking any academic or elective course as
58 decided upon by the student, his or her parent and the
59 professional school counselor for the instruction of that pupil
60 for the duration of each academic year.

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

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

66 37-13-91. (1) This section shall be referred to as the
67 "Mississippi Compulsory School Attendance Law."

68 (2) The following terms as used in this section are defined
69 as follows:

70 (a) "Parent" means the father or mother to whom a child
71 has been born, or the father or mother by whom a child has been
72 legally adopted.

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



76 (c) "Custodian" means any person having the present
77 care or custody of a child, other than a parent or guardian of the
78 child.

79 (d) "School day" means not less than five and one-half
80 (5-1/2) and not more than eight (8) hours of actual teaching in
81 which both teachers and pupils are in regular attendance for
82 scheduled schoolwork.

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

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

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

98 (h) "Appropriate school official" means the
99 superintendent of the school district, or his designee, or, in the
100 case of a nonpublic school, the principal or the headmaster.



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

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

112 (a) When a compulsory-school-age child is physically,
113 mentally or emotionally incapable of attending school as
114 determined by the appropriate school official based upon
115 sufficient medical documentation.

116 (b) When a compulsory-school-age child is enrolled in
117 and pursuing a course of special education, remedial education or
118 education for handicapped or physically or mentally disadvantaged
119 children.

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

122 The parent, guardian or custodian of a compulsory-school-age
123 child described in this subsection, or the parent, guardian or
124 custodian of a compulsory-school-age child attending any charter
125 school or nonpublic school, or the appropriate school official for



126 any or all children attending a charter school or nonpublic school
127 shall complete a "certificate of enrollment" in order to
128 facilitate the administration of this section.

129 The form of the certificate of enrollment shall be prepared
130 by the Office of Compulsory School Attendance Enforcement of the
131 State Department of Education and shall be designed to obtain the
132 following information only:

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

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

137 (iii) A simple description of the type of
138 education the compulsory-school-age child is receiving and, if the
139 child is enrolled in a nonpublic school, the name and address of
140 the school; and

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

146 The certificate of enrollment shall be returned to the school
147 attendance officer where the child resides on or before September
148 15 of each year. Any parent, guardian or custodian found by the
149 school attendance officer to be in noncompliance with this section
150 shall comply, after written notice of the noncompliance by the



151 school attendance officer, with this subsection within ten (10)
152 days after the notice or be in violation of this section.
153 However, in the event the child has been enrolled in a public
154 school within fifteen (15) calendar days after the first day of
155 the school year as required in subsection (6), the parent or
156 custodian may, at a later date, enroll the child in a legitimate
157 nonpublic school or legitimate home instruction program and send
158 the certificate of enrollment to the school attendance officer and
159 be in compliance with this subsection.

160 For the purposes of this subsection, a legitimate nonpublic
161 school or legitimate home instruction program shall be those not
162 operated or instituted for the purpose of avoiding or
163 circumventing the compulsory attendance law.

164 (4) An "unlawful absence" is an absence for an entire school
165 day or during part of a school day by a compulsory-school-age
166 child, which absence is not due to a valid excuse for temporary
167 nonattendance. For purposes of reporting absenteeism under
168 subsection (6) of this section, if a compulsory-school-age child
169 has an absence that is more than thirty-seven percent (37%) of the
170 instructional day, as fixed by the school board for the school at
171 which the compulsory-school-age child is enrolled, the child must
172 be considered absent the entire school day. Days missed from
173 school due to disciplinary suspension shall not be considered an
174 "excused" absence under this section. This subsection shall not
175 apply to children enrolled in a nonpublic school.



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

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

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

190 (c) An absence is excused when isolation of a
191 compulsory-school-age child is ordered by the county health
192 officer, by the State Board of Health or appropriate school
193 official.

194 (d) An absence is excused when it results from the
195 death or serious illness of a member of the immediate family of a
196 compulsory-school-age child. The immediate family members of a
197 compulsory-school-age child shall include children, spouse,
198 grandparents, parents, brothers and sisters, including
199 stepbrothers and stepsisters.



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

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

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

216 (h) An absence may be excused when it is demonstrated
217 to the satisfaction of the superintendent of the school district,
218 or his designee, that the purpose of the absence is to take
219 advantage of a valid educational opportunity such as travel,
220 including vacations or other family travel. Approval of the
221 absence must be gained from the superintendent of the school
222 district, or his designee, before the absence, but the approval
223 shall not be unreasonably withheld.



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

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

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

242 (5) Any parent, guardian or custodian of a
243 compulsory-school-age child subject to this section who refuses or
244 willfully fails to perform any of the duties imposed upon him or
245 her under this section or who intentionally falsifies any
246 information required to be contained in a certificate of
247 enrollment, shall be guilty of contributing to the neglect of a



248 child and, upon conviction, shall be punished in accordance with
249 Section 97-5-39.

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

267 (6) If a compulsory-school-age child has not been enrolled
268 in a school within fifteen (15) calendar days after the first day
269 of the school year of the school which the child is eligible to
270 attend or the child has accumulated five (5) unlawful absences
271 during the school year of the public school in which the child is
272 enrolled, the school district superintendent, or his designee,



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

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



298 child is ordered may assign, in his discretion, the child to the
299 alternative school program of the school established pursuant to
300 Section 37-13-92.

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

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



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

