

House Amendments to Senate Bill No. 2361

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

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

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

36 (3) The boards of education which adopt such released-time
37 moral instruction policy shall allow pupils who have expressed a
38 desire for released-time moral instruction and who have received
39 the required parental consent specified in subsection (2) to be
40 excused for at least one (1) hour, one (1) day each week to attend
41 their respective places of worship or some other suitable place to

42 receive released-time moral instruction in accordance with the
43 religious faith or preference of the pupils. No such instruction
44 may be provided or facilitated on school premises.

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

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

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

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

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

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

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

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

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

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

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

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

90 (f) "Compulsory-school-age child" means a child who has
91 attained or will attain the age of six (6) years on or before
92 September 1 of the calendar year and who has not attained the age

93 of seventeen (17) years on or before September 1 of the calendar
94 year; and shall include any child who has attained or will attain
95 the age of five (5) years on or before September 1 and has
96 enrolled in a full-day public school kindergarten program.

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

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

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

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

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

117 (b) When a compulsory-school-age child is enrolled in
118 and pursuing a course of special education, remedial education or

119 education for handicapped or physically or mentally disadvantaged
120 children.

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

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

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

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

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

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

142 (iv) The signature of the parent, guardian or
143 custodian of the compulsory-school-age child or, for any or all
144 compulsory-school-age child or children attending a charter school

145 or nonpublic school, the signature of the appropriate school
146 official and the date signed.

147 The certificate of enrollment shall be returned to the school
148 attendance officer where the child resides on or before September
149 15 of each year. Any parent, guardian or custodian found by the
150 school attendance officer to be in noncompliance with this section
151 shall comply, after written notice of the noncompliance by the
152 school attendance officer, with this subsection within ten (10)
153 days after the notice or be in violation of this section.

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

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

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

171 instructional day, as fixed by the school board for the school at
172 which the compulsory-school-age child is enrolled, the child must
173 be considered absent the entire school day. Days missed from
174 school due to disciplinary suspension shall not be considered an
175 "excused" absence under this section. This subsection shall not
176 apply to children enrolled in a nonpublic school.

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

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

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

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

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

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

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

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

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

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

223 district, or his designee, before the absence, but the approval
224 shall not be unreasonably withheld.

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

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

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

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

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

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

268 (6) If a compulsory-school-age child has not been enrolled
269 in a school within fifteen (15) calendar days after the first day
270 of the school year of the school which the child is eligible to
271 attend or the child has accumulated five (5) unlawful absences
272 during the school year of the public school in which the child is
273 enrolled, the school district superintendent, or his designee,
274 shall report, within two (2) school days or within five (5)

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

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

300 alternative school program of the school established pursuant to
301 Section 37-13-92.

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

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

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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 RELIGIOUS INSTRUCTION FOR AT LEAST ONE HOUR, ONE DAY EACH
10 WEEK; TO PROHIBIT THE SCHOOL DISTRICT FROM PROVIDING OR
11 FACILITATING RELEASED-TIME MORAL INSTRUCTION ON SCHOOL PREMISES;
12 TO PERMIT LOCAL SCHOOL BOARDS TO MAKE ARRANGEMENTS WITH THE
13 PERSONS IN CHARGE OF THE RELEASED-TIME MORAL INSTRUCTION AS THE
14 BOARD DEEMS NECESSARY AND ADVISABLE; TO PROVIDE THAT STUDENTS
15 SHALL NOT BE PENALIZED OR CONSIDERED ABSENT FROM THE SCHOOL FOR
16 PURPOSES OF ATTENDING RELEASED-TIME MORAL INSTRUCTION; TO PROVIDE
17 THAT STUDENTS WHO DO NOT PARTICIPATE IN RELEASED-TIME MORAL
18 INSTRUCTION SHALL CONTINUE IN THE REGULAR COURSE OF DAILY
19 INSTRUCTION; TO PROVIDE THAT RELEASED-TIME MORAL INSTRUCTION SHALL
20 BE GIVEN WITHOUT EXPENSE TO ANY LOCAL SCHOOL BOARD BEYOND THE COST
21 OF THE ORIGINAL SURVEY; TO AMEND SECTION 37-13-91, MISSISSIPPI
22 CODE OF 1972, IN CONFORMITY TO THE PRECEDING PROVISIONS; AND FOR
23 RELATED PURPOSES.

HR31\SB2361A.J

Andrew Ketchings
Clerk of the House of Representatives