

By: Representatives Owen, Yates

To: Education

HOUSE BILL NO. 73

1 AN ACT TO AMEND SECTION 37-13-81, 37-13-83, 37-13-85,  
2 37-13-87 AND 37-13-89, MISSISSIPPI CODE OF 1972, TO CLARIFY THE  
3 NAME OF THE OFFICE OF COMPULSORY SCHOOL ATTENDANCE ENFORCEMENT AND  
4 DROPOUT PREVENTION WITHIN THE STATE DEPARTMENT OF EDUCATION; TO  
5 PROVIDE FOR THE APPOINTMENT OF AN EXECUTIVE DIRECTOR OF THE OFFICE  
6 BY THE STATE SUPERINTENDENT OF PUBLIC EDUCATION; TO TRANSFER THE  
7 RESPONSIBILITY FOR EMPLOYING AND ESTABLISHING THE DUTIES OF SCHOOL  
8 ATTENDANCE OFFICERS FROM THE STATE DEPARTMENT OF EDUCATION TO  
9 LOCAL SCHOOL DISTRICTS; TO ABOLISH THE THREE REGIONAL SCHOOL  
10 ATTENDANCE OFFICER POSITIONS AND REPLACE THOSE POSITIONS WITH  
11 REGIONAL COORDINATORS WHO SHALL BE RESPONSIBLE FOR ENFORCEMENT OF  
12 THE MISSISSIPPI COMPULSORY SCHOOL ATTENDANCE LAW WITHIN THEIR  
13 REGION; TO PROVIDE THAT THE STATE SUPERINTENDENT OF PUBLIC  
14 EDUCATION SHALL SET THE SALARY OF REGIONAL COORDINATORS; TO  
15 CLARIFY THE MINIMUM QUALIFICATIONS NECESSARY FOR SCHOOL ATTENDANCE  
16 OFFICERS AND REMOVE THE REQUIREMENT OF THE STATE PERSONNEL BOARD  
17 TO ESTABLISH ADDITIONAL QUALIFICATIONS FOR SCHOOL ATTENDANCE  
18 OFFICERS; TO PROVIDE THAT SCHOOL ATTENDANCE OFFICERS EMPLOYED BY  
19 THE STATE DEPARTMENT OF EDUCATION ON JULY 1, 2024, SHALL BE  
20 TRANSFERRED TO EMPLOYMENT STATUS AS EMPLOYEES OF THEIR RESPECTIVE  
21 SCHOOL DISTRICTS WITH WORK LOCATIONS THEREIN AND SHALL ENFORCE  
22 ATTENDANCE AT CHARTER SCHOOLS LOCATED WITHIN THE SCHOOL DISTRICT;  
23 TO PROVIDE FOR THE SHARING OF ADMINISTRATIVE AND COSTS SHARING  
24 RESPONSIBILITIES OF TWO OR MORE SCHOOL DISTRICTS WHICH WERE  
25 SIMULTANEOUSLY SERVED BY THE SAME SCHOOL ATTENDANCE OFFICER; TO  
26 PROVIDE FOR THE TRANSFER OF ANY UNUSED ACCUMULATED LEAVE; TO  
27 REQUIRE THE STATE TO PROVIDE FUNDING FOR ONE SCHOOL ATTENDANCE  
28 OFFICER FOR EVERY 3,000 COMPULSORY-SCHOOL-AGE CHILDREN IN  
29 ENROLLMENT IN THE PUBLIC SCHOOLS OF A COUNTY; TO ESTABLISH THE  
30 MINIMUM SALARY OF NEWLY HIRED SCHOOL ATTENDANCE OFFICERS BEGINNING  
31 JULY 1, 2024, AND AUTHORIZE LOCAL SCHOOL BOARDS TO PAY ADDITIONAL  
32 COMPENSATION ABOVE THE MINIMUM SALARY ON A SCALE ESTABLISHED BY  
33 THE LOCAL SCHOOL BOARD; TO PROVIDE THAT SCHOOL ATTENDANCE OFFICERS  
34 TRANSFERRED TO THE LOCAL SCHOOL DISTRICT FROM THE STATE DEPARTMENT



35 OF EDUCATION SHALL BE COMPENSATED AT THE SAME SALARY RECEIVED  
36 FISCAL YEAR 2024 RATE PLUS AN ADDITIONAL 25%; TO PROVIDE THAT  
37 SCHOOL ATTENDANCE OFFICERS SHALL NOT EXPERIENCE ANY INTERRUPTION  
38 OF SERVICE WITH THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE  
39 SCHOOL EMPLOYEES' HEALTH INSURANCE PLAN AS A RESULT OF THE  
40 TRANSFER OF EMPLOYMENT RESPONSIBILITY; TO AMEND SECTIONS 37-13-91  
41 AND 37-13-107, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE  
42 PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

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

44 **SECTION 1.** Section 37-13-81, Mississippi Code of 1972, is  
45 amended as follows:

46 37-13-81. There is created the Office of Compulsory School  
47 Attendance Enforcement \* \* \* and Dropout Prevention \* \* \* within  
48 the State Department of Education. The office shall be  
49 responsible for the administration of a statewide system of  
50 enforcement of the Mississippi Compulsory School Attendance Law  
51 (Section 37-13-91) \* \* \*.

52 **SECTION 2.** Section 37-13-83, Mississippi Code of 1972, is  
53 amended as follows:

54 37-13-83. The State Superintendent of Public Education shall  
55 appoint \* \* \* an executive director for the Office of Compulsory  
56 School Attendance Enforcement and Dropout Prevention, who shall  
57 meet all qualifications established for \* \* \* regional  
58 coordinators and any additional qualifications that may be  
59 established by the State Superintendent of Public Education or  
60 State Personnel Board. The executive director shall be  
61 responsible for the proper administration of the Office of  
62 Compulsory School Attendance Enforcement and Dropout Prevention in  
63 conformity with the Mississippi Compulsory School Attendance Law



64 and any other regulations or policies that may be adopted by the  
65 State Board of Education. \* \* \*

66 **SECTION 3.** Section 37-13-85, Mississippi Code of 1972, is  
67 amended as follows:

68 37-13-85. The Office of Compulsory School Attendance  
69 Enforcement and Dropout Prevention shall have the following powers  
70 and duties, in addition to all others imposed or granted by law:

71 (a) To establish any policies or guidelines \* \* \* to be  
72 used by local school districts for the employment of school  
73 attendance officers which serve to effectuate a uniform system of  
74 enforcement under the Mississippi Compulsory School Attendance Law  
75 throughout the state \* \* \*;

76 (b) To \* \* \* provide oversight and assistance to  
77 regional coordinators in the performance of their duties;

78 (c) To establish minimum standards for enrollment and  
79 attendance for the state and each individual school district, and  
80 to monitor the success of the state and districts in achieving the  
81 required levels of performance;

82 (d) To provide to school districts failing to meet the  
83 established standards for enrollment and attendance assistance in  
84 reducing absenteeism or the dropout rates in those districts;

85 (e) To establish any qualifications, in addition to  
86 those required under Section 37-13-89, for school attendance  
87 officers as the office deems necessary to further the purposes of  
88 the Mississippi Compulsory School Attendance Law;



89           (f) To develop and implement a system under which  
90 school districts are required to maintain accurate records that  
91 document enrollment and attendance in such a manner that the  
92 records reflect all changes in enrollment and attendance, and to  
93 require school attendance officers to submit information  
94 concerning public school attendance on a monthly basis to the  
95 office;

96           (g) To prepare the form of the certificate of  
97 enrollment required under the Mississippi Compulsory School  
98 Attendance Law and to furnish a sufficient number of the  
99 certificates of enrollment to each school attendance officer in  
100 the state;

101           (h) To provide to the State Board of Education  
102 statistical information concerning absenteeism, dropouts and other  
103 attendance-related problems as requested by the State Board of  
104 Education;

105           (i) To provide for the certification of school  
106 attendance officers;

107           (j) To provide for a course of training and education  
108 for school attendance officers, and to require successful  
109 completion of the course as a prerequisite to certification by the  
110 office as school attendance officers;

111           (k) To adopt any guidelines or policies the office  
112 deems necessary to effectuate an orderly transition from the  
113 supervision of school attendance officers by \* \* \* State



114 Department of Education to the supervision by the local  
115 school \* \* \* district;

116 \* \* \*

117 ( \* \* \*l) To adopt policies or guidelines to assist  
118 local school districts with linking the duties of school  
119 attendance officers to the appropriate courts, law enforcement  
120 agencies and community service providers; \* \* \*

121 ( \* \* \*m) To adopt any other policies or guidelines  
122 that the office deems necessary for the enforcement of the  
123 Mississippi Compulsory School Attendance Law; however, the  
124 policies or guidelines shall not add to or contradict with the  
125 requirements of Section 37-13-91 \* \* \* ; and

126 (n) To transfer all funds appropriated to the State  
127 Department of Education for school attendance officers to local  
128 school district on the same schedule as MAEP disbursements in  
129 accordance with Section 37-151-103.

130 **SECTION 4.** Section 37-13-87, Mississippi Code of 1972, is  
131 amended as follows:

132 37-13-87. (1) The Executive Director of the Office of  
133 Compulsory School Attendance Enforcement and Dropout Prevention  
134 shall employ \* \* \* regional coordinators, each \* \* \* of whom shall  
135 be responsible for the enforcement of the Mississippi Compulsory  
136 School Attendance Law within his \* \* \* or her region and  
137 shall \* \* \* support and provide technical assistance and  
138 professional development to the school attendance officers in



139 the \* \* \* region. The \* \* \* regional coordinators shall assist  
140 the school attendance officers in the performance of their duties  
141 as established by law or otherwise. The regional coordinators may  
142 also perform any such other duties within the Office of Compulsory  
143 School Attendance Enforcement and Dropout Prevention as may be  
144 assigned by the State Superintendent of Public Education.

145 (2) No person having less than eight (8) years combined  
146 actual experience as a school attendance officer, school teacher,  
147 school administrator, law enforcement officer possessing a college  
148 degree with a major in a behavioral science or a related field,  
149 and/or social worker in the state shall be employed as a \* \* \*  
150 regional coordinator. Further, a \* \* \* regional coordinator shall  
151 possess a college degree with a major in a behavioral science or a  
152 related field or shall have actual experience as a school teacher,  
153 school administrator, law enforcement officer possessing such  
154 degree or social worker; however, these requirements shall not  
155 apply to persons employed as school attendance officers before  
156 January 1, 1987. \* \* \* The \* \* \* regional coordinators shall  
157 receive an annual salary to be set by the State Superintendent of  
158 Public Education, subject to the approval of the State Personnel  
159 Board.

160 **SECTION 5.** Section 37-13-89, Mississippi Code of 1972, is  
161 amended as follows:

162 37-13-89. (1) (a) In each school district within the  
163 state, there shall be employed the number of school attendance



164 officers determined by the local school district, in consultation  
165 with the Office of Compulsory School Attendance Enforcement and  
166 Dropout Prevention to be necessary to adequately enforce the  
167 provisions of the Mississippi Compulsory School Attendance  
168 Law \* \* \*. In any school district where charter schools operate,  
169 the school district's school attendance officer shall also enforce  
170 the provisions of the Mississippi Compulsory School Attendance Law  
171 for those charter schools. From and after July 1, \* \* \* 2024, all  
172 school attendance officers employed pursuant to this section shall  
173 be employees of the \* \* \* local school district. \* \* \* Local  
174 school districts shall employ all persons employed as school  
175 attendance officers by \* \* \* the State Department of Education  
176 before July 1, \* \* \* 2024, and shall assign them to school  
177 attendance responsibilities in the school district in which they  
178 were employed before July 1, \* \* \* 2024. \* \* \*

179 (b) If a school attendance officer employed by the  
180 State Department of Education performed services in two (2) or  
181 more school districts during the 2023-2024 school year, that  
182 school attendance officer shall continue to serve the same two (2)  
183 or more school districts for the 2024-2025 school year. For  
184 purposes of employment, the school attendance officer shall be  
185 assigned to the school district with the largest student  
186 enrollment, and that school district shall serve as the fiscal  
187 agent, with funding shared with the partnering districts.  
188 Effective on July 1, 2025, if two (2) or more school districts



189 fall below a certain number of students enrolled, to be determined  
190 by the State Department of Education, or are only provided funding  
191 for one-half (1/2) of the salary of the school attendance officer,  
192 those school districts are authorized, in the discretion of their  
193 respective local school board, to enter into an agreement for the  
194 purposes of sharing a school attendance officer. The agreement  
195 shall designate which district shall serve as the fiscal agent and  
196 the mutually agreed upon salary for the school attendance officer.  
197 The agreement shall be duly adopted by resolution of the  
198 participating school boards as reflected in the minutes of each  
199 school board and approved by the Office of Compulsory School  
200 Attendance Enforcement and Dropout Prevention.

201 (2) (a) The \* \* \* local school districts shall \* \* \*  
202 conduct criminal records background checks and current child abuse  
203 registry checks on all persons applying for the position of school  
204 attendance officer after July \* \* \* 1, 2024. The criminal records  
205 information and registry checks must be kept on file for any new  
206 hires. \* \* \* To determine an applicant's suitability for  
207 employment as a school attendance officer, the applicant must be  
208 fingerprinted. If no disqualifying record is identified at the  
209 state level, the Department of Public Safety shall forward the  
210 fingerprints to the Federal Bureau of Investigation (FBI) for a  
211 national criminal history record check. The applicant shall pay  
212 the fee, not to exceed Fifty Dollars (\$50.00), for the  
213 fingerprinting and criminal records background check; however,





214 the \* \* \* local school district, in its discretion, may pay the  
215 fee for the fingerprinting and criminal records background check  
216 on behalf of any applicant. Under no circumstances may a member  
217 of the \* \* \* local school board of trustees, employee of the \* \* \*  
218 local school district or any person other than the subject of the  
219 criminal records background check disseminate information received  
220 through any such checks except insofar as required to fulfill the  
221 purposes of this subsection.

222 (b) If the fingerprinting or criminal records check  
223 discloses a felony conviction, guilty plea or plea of nolo  
224 contendere to a felony of possession or sale of drugs, murder,  
225 manslaughter, armed robbery, rape, sexual battery, sex offense  
226 listed in Section 45-33-23(h), child abuse, arson, grand larceny,  
227 burglary, gratification of lust or aggravated assault which has  
228 not been reversed on appeal or for which a pardon has not been  
229 granted, the applicant is not eligible to be employed as a school  
230 attendance officer. Any employment of an applicant pending the  
231 results of the fingerprinting and criminal records check is  
232 voidable if the new hire receives a disqualifying criminal records  
233 check. However, the \* \* \* local school board, in its discretion,  
234 may allow an applicant aggrieved by an employment decision under  
235 this subsection to appear before the board, or before a hearing  
236 officer designated for that purpose, to show mitigating  
237 circumstances that may exist and allow the new hire to be employed  
238 as a school attendance officer. The \* \* \* local school board may



239 grant waivers for mitigating circumstances, which may include, but  
240 are not necessarily limited to:

- 241 (i) Age at which the crime was committed;
- 242 (ii) Circumstances surrounding the crime;
- 243 (iii) Length of time since the conviction and  
244 criminal history since the conviction;
- 245 (iv) Work history;
- 246 (v) Current employment and character references;

247 and

- 248 (vi) Other evidence demonstrating the ability of  
249 the person to perform the responsibilities of a school attendance  
250 officer competently and that the person does not pose a threat to  
251 the health or safety of children.

252 (c) \* \* \* No local school district, school district  
253 employee, member of the State Board of Education or employee of a  
254 school under the purview of the State \* \* \* Board of  
255 Education \* \* \* shall be held liable in any employment  
256 discrimination suit in which an allegation of discrimination is  
257 made regarding an employment decision authorized under this  
258 section.

259 (3) Each school attendance officer shall possess a college  
260 degree with a major in a behavioral science or a related field or  
261 shall have no less than three (3) years combined actual experience  
262 as a school teacher, school administrator, law enforcement officer  
263 possessing such degree, and/or social worker; however, these



264 requirements shall not apply to persons employed as school  
265 attendance officers before January 1, 1987. School attendance  
266 officers also shall satisfy any additional requirements that may  
267 be established by the \* \* \* hiring local school district.

268 (4) It shall be the duty of each school attendance officer  
269 to:

270 (a) Cooperate with any public agency to locate and  
271 identify all compulsory-school-age children who are not attending  
272 school;

273 (b) Cooperate with all courts of competent  
274 jurisdiction;

275 (c) Investigate all cases of nonattendance and unlawful  
276 absences by compulsory-school-age children not enrolled in a  
277 nonpublic school;

278 (d) Provide appropriate counseling to encourage all  
279 school-age children to attend school until they have completed  
280 high school;

281 (e) Attempt to secure the provision of social or  
282 welfare services that may be required to enable any child to  
283 attend school;

284 (f) Contact the home or place of residence of a  
285 compulsory-school-age child and any other place in which the  
286 officer is likely to find any compulsory-school-age child when the  
287 child is absent from school during school hours without a valid  
288 written excuse from school officials, and when the child is found,



289 the officer shall notify the parents and school officials as to  
290 where the child was physically located;

291 (g) Contact promptly the home of each  
292 compulsory-school-age child in the school district within the  
293 officer's jurisdiction who is not enrolled in school or is not in  
294 attendance at public school and is without a valid written excuse  
295 from school officials; if no valid reason is found for the  
296 nonenrollment or absence from the school, the school attendance  
297 officer shall give written notice to the parent, guardian or  
298 custodian of the requirement for the child's enrollment or  
299 attendance;

300 (h) Collect and maintain information concerning  
301 absenteeism, dropouts and other attendance-related problems, as  
302 may be required by law, the local school district or the Office of  
303 Compulsory School Attendance Enforcement and Dropout Prevention;  
304 and

305 (i) Perform all other duties relating to compulsory  
306 school attendance established by the \* \* \* local school district.

307 (5) While engaged in the performance of his duties, each  
308 school attendance officer shall carry on his person a badge  
309 identifying him as a school attendance officer \* \* \*. Neither the  
310 badge nor the identification card shall bear the name of any  
311 elected public official.

312 (6) The state shall provide funding for one (1) school  
313 attendance officer employed by a local school district for every



314 three thousand (3,000) compulsory-school-age children, as defined  
315 by Section 37-13-91(2)(f), in enrollment in the public schools of  
316 the county, for the purpose of employing school attendance  
317 officers as defined in Section 37-13-91(2)(g).

318 ( \* \* \*7) The \* \* \*salary \* \* \* for school attendance  
319 officers \* \* \* shall be based upon factors including, but not  
320 limited to, education, professional certification and licensure,  
321 and number of years of experience. School attendance must meet  
322 the minimum requirements as identified in subsection (3) of this  
323 section. Effective July 1, 2024, any newly hired school  
324 attendance officers shall be paid \* \* \* a minimum salary \* \* \* of  
325 Thirty Thousand Dollars (\$30,000.00). Local school districts may  
326 pay additional compensation above the minimum salary on a schedule  
327 established by the local school board. \* \* \*

328 \* \* \*

329 ( \* \* \*8) \* \* \* Each school attendance officer employed by  
330 the State Department of Education on June 30, 2024, shall be  
331 transferred from state services under the authority of the State  
332 Personnel Board to employment status as an employee of the  
333 respective school district of assignment and shall be paid at the  
334 salary established for the 2024 fiscal year plus an additional  
335 twenty-five percent (25%). Each school attendance officer shall  
336 have a work location within the school district they serve. Each  
337 school attendance officer who became an employee of the local  
338 school district on July 1, 2024, shall have no interruption of



339 service with the Public Employees' Retirement System and the State  
340 and School Employees' Health Insurance Plan. Any unused leave  
341 accumulated in state-service employment with the State Department  
342 of Education shall be transferred in accordance with the provision  
343 of Section 37-7-307, unless otherwise provided.

344 \* \* \*

345 ( \* \* \*9) \* \* \* School attendance officers shall maintain  
346 regular office hours on a year-round basis as determined by the  
347 local school district of employment \* \* \*. However, during the  
348 school term, on those days that teachers in all of the school  
349 districts served by a school attendance officer are not required  
350 to report to work, the school attendance officer also shall not be  
351 required to report to work. (For purposes of this subsection, a  
352 school district's school term is that period of time identified as  
353 the school term in contracts entered into by the district with  
354 licensed personnel.) A school attendance officer shall be  
355 required to report to work on any day recognized as an official  
356 state holiday if teachers in any school district served by that  
357 school attendance officer are required to report to work on that  
358 day \* \* \*.

359 \* \* \*

360 ( \* \* \*10) The State Department of Education shall provide  
361 all continuing education and training courses that school  
362 attendance officers are required to complete under state law or  
363 rules and regulations of the department.



364           **SECTION 6.** Section 37-13-91, Mississippi Code of 1972, is  
365 amended as follows:

366           37-13-91. (1) This section shall be referred to as the  
367 "Mississippi Compulsory School Attendance Law."

368           (2) The following terms as used in this section are defined  
369 as follows:

370                   (a) "Parent" means the father or mother to whom a child  
371 has been born, or the father or mother by whom a child has been  
372 legally adopted.

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

376                   (c) "Custodian" means any person having the present  
377 care or custody of a child, other than a parent or guardian of the  
378 child.

379                   (d) "School day" means not less than five and one-half  
380 (5-1/2) and not more than eight (8) hours of actual teaching in  
381 which both teachers and pupils are in regular attendance for  
382 scheduled schoolwork.

383                   (e) "School" means any public school, including a  
384 charter school, in this state or any nonpublic school in this  
385 state which is in session each school year for at least one  
386 hundred eighty (180) school days, except that the "nonpublic"  
387 school term shall be the number of days that each school shall  
388 require for promotion from grade to grade.



389 (f) "Compulsory-school-age child" means a child who has  
390 attained or will attain the age of six (6) years on or before  
391 September 1 of the calendar year and who has not attained the age  
392 of seventeen (17) years on or before September 1 of the calendar  
393 year; and shall include any child who has attained or will attain  
394 the age of five (5) years on or before September 1 and has  
395 enrolled in a full-day public school kindergarten program.

396 (g) "School attendance officer" means a person employed  
397 by a local school district, wherein they received additional  
398 support and technical assistance from the State Department of  
399 Education's Office of Compulsory School Attendance Enforcement and  
400 Dropout Prevention \* \* \*.

401 (h) "Appropriate school official" means the  
402 superintendent of the school district, or his designee, or, in the  
403 case of a nonpublic school, the principal or the headmaster.

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

410 (j) "Regional coordinator" refers to the regional  
411 coordinators who exercise oversight and provide technical  
412 assistance to school attendance officers in a geographical region.





413 Each regional coordinator shall be employed by the State  
414 Department of Education.

415 (3) A parent, guardian or custodian of a  
416 compulsory-school-age child in this state shall cause the child to  
417 enroll in and attend a public school or legitimate nonpublic  
418 school for the period of time that the child is of compulsory  
419 school age, except under the following circumstances:

420 (a) When a compulsory-school-age child is physically,  
421 mentally or emotionally incapable of attending school as  
422 determined by the appropriate school official based upon  
423 sufficient medical documentation.

424 (b) When a compulsory-school-age child is enrolled in  
425 and pursuing a course of special education, remedial education or  
426 education for handicapped or physically or mentally disadvantaged  
427 children.

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

430 The parent, guardian or custodian of a compulsory-school-age  
431 child described in this subsection, or the parent, guardian or  
432 custodian of a compulsory-school-age child attending any charter  
433 school or nonpublic school, or the appropriate school official for  
434 any or all children attending a charter school or nonpublic school  
435 shall complete a "certificate of enrollment" in order to  
436 facilitate the administration of this section.



437           The form of the certificate of enrollment shall be prepared  
438 by the Office of Compulsory School Attendance Enforcement of the  
439 State Department of Education and shall be designed to obtain the  
440 following information only:

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

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

445                   (iii) The local public school district where the  
446 compulsory-school-age child resides;

447                   ( \* \* \*iv) A simple description of the type of  
448 education the compulsory-school-age child is receiving and, if the  
449 child is enrolled in a nonpublic school, the name and address of  
450 the school; and

451                   ( \* \* \*y) The signature of the parent, guardian or  
452 custodian of the compulsory-school-age child or, for any or all  
453 compulsory-school-age child or children attending a charter school  
454 or nonpublic school, the signature of the appropriate school  
455 official and the date signed.

456           The certificate of enrollment shall be returned to the school  
457 attendance officer that serves the local public school district  
458 where the child resides on or before September 15 of each year.  
459 Any parent, guardian or custodian found by the school attendance  
460 officer to be in noncompliance with this section shall comply,  
461 after written notice of the noncompliance by the school attendance



462 officer, with this subsection within ten (10) days after the  
463 notice or be in violation of this section. However, in the event  
464 the child has been enrolled in a public school within fifteen (15)  
465 calendar days after the first day of the school year as required  
466 in subsection (6), the parent or custodian may, at a later date,  
467 enroll the child in a legitimate nonpublic school or legitimate  
468 home instruction program and send the certificate of enrollment to  
469 the school attendance officer and be in compliance with this  
470 subsection.

471 For the purposes of this subsection, a legitimate nonpublic  
472 school or legitimate home instruction program shall be those not  
473 operated or instituted for the purpose of avoiding or  
474 circumventing the compulsory attendance law.

475 (4) An "unlawful absence" is an absence for an entire school  
476 day or during part of a school day by a compulsory-school-age  
477 child, which absence is not due to a valid excuse for temporary  
478 nonattendance. For purposes of reporting absenteeism under  
479 subsection (6) of this section, if a compulsory-school-age child  
480 has an absence that is more than thirty-seven percent (37%) of the  
481 instructional day, as fixed by the school board for the school at  
482 which the compulsory-school-age child is enrolled, the child must  
483 be considered absent the entire school day. Days missed from  
484 school due to disciplinary suspension shall not be considered an  
485 "excused" absence under this section. This subsection shall not  
486 apply to children enrolled in a nonpublic school.



487           Each of the following shall constitute a valid excuse for  
488 temporary nonattendance of a compulsory-school-age child enrolled  
489 in a noncharter public school, provided satisfactory evidence of  
490 the excuse is provided to the superintendent of the school  
491 district, or his designee:

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

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

501           (c) An absence is excused when isolation of a  
502 compulsory-school-age child is ordered by the county health  
503 officer, by the State Board of Health or appropriate school  
504 official.

505           (d) An absence is excused when it results from the  
506 death or serious illness of a member of the immediate family of a  
507 compulsory-school-age child. The immediate family members of a  
508 compulsory-school-age child shall include children, spouse,  
509 grandparents, parents, brothers and sisters, including  
510 stepbrothers and stepsisters.



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

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

517 (g) An absence may be excused if the religion to which  
518 the compulsory-school-age child or the child's parents adheres,  
519 requires or suggests the observance of a religious event. The  
520 approval of the absence is within the discretion of the  
521 superintendent of the school district, or his designee, but  
522 approval should be granted unless the religion's observance is of  
523 such duration as to interfere with the education of the child.

524 (h) An absence may be excused when it is demonstrated  
525 to the satisfaction of the superintendent of the school district,  
526 or his designee, that the purpose of the absence is to take  
527 advantage of a valid educational opportunity such as travel,  
528 including vacations or other family travel. Approval of the  
529 absence must be gained from the superintendent of the school  
530 district, or his designee, before the absence, but the approval  
531 shall not be unreasonably withheld.

532 (i) An absence may be excused when it is demonstrated  
533 to the satisfaction of the superintendent of the school district,  
534 or his designee, that conditions are sufficient to warrant the  
535 compulsory-school-age child's nonattendance. However, no absences



536 shall be excused by the school district superintendent, or his  
537 designee, when any student suspensions or expulsions circumvent  
538 the intent and spirit of the compulsory attendance law.

539 (j) An absence is excused when it results from the  
540 attendance of a compulsory-school-age child participating in  
541 official organized events sponsored by the 4-H or Future Farmers  
542 of America (FFA). The excuse for the 4-H or FFA event must be  
543 provided in writing to the appropriate school superintendent by  
544 the Extension Agent or High School Agricultural Instructor/FFA  
545 Advisor.

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

550 (5) Any parent, guardian or custodian of a  
551 compulsory-school-age child subject to this section who refuses or  
552 willfully fails to perform any of the duties imposed upon him or  
553 her under this section or who intentionally falsifies any  
554 information required to be contained in a certificate of  
555 enrollment, shall be guilty of contributing to the neglect of a  
556 child and, upon conviction, shall be punished in accordance with  
557 Section 97-5-39.

558 Upon prosecution of a parent, guardian or custodian of a  
559 compulsory-school-age child for violation of this section, the  
560 presentation of evidence by the prosecutor that shows that the



561 child has not been enrolled in school within eighteen (18)  
562 calendar days after the first day of the school year of the public  
563 school which the child is eligible to attend, or that the child  
564 has accumulated twelve (12) unlawful absences during the school  
565 year at the public school in which the child has been enrolled,  
566 shall establish a prima facie case that the child's parent,  
567 guardian or custodian is responsible for the absences and has  
568 refused or willfully failed to perform the duties imposed upon him  
569 or her under this section. However, no proceedings under this  
570 section shall be brought against a parent, guardian or custodian  
571 of a compulsory-school-age child unless the school attendance  
572 officer has contacted promptly the home of the child and has  
573 provided written notice to the parent, guardian or custodian of  
574 the requirement for the child's enrollment or attendance.

575 (6) If a compulsory-school-age child has not been enrolled  
576 in a school within fifteen (15) calendar days after the first day  
577 of the school year of the school which the child is eligible to  
578 attend or the child has accumulated five (5) unlawful absences  
579 during the school year of the public school in which the child is  
580 enrolled, the school district superintendent, or his designee,  
581 shall report \* \* \* within five (5) \* \* \* school days, \* \* \* the  
582 absences to the school attendance officer. The \* \* \* local school  
583 district shall prescribe a uniform method for schools to utilize  
584 in reporting the unlawful absences to the school attendance  
585 officer. The superintendent, or his designee, also shall report



586 any student suspensions or student expulsions to the school  
587 attendance officer when they occur.

588 (7) When a school attendance officer has made all attempts  
589 to secure enrollment and/or attendance of a compulsory-school-age  
590 child and is unable to \* \* \* verify the enrollment and/or  
591 attendance, the attendance officer shall file a petition with the  
592 youth court under Section 43-21-451 or shall file a petition in a  
593 court of competent jurisdiction as it pertains to parent or child.  
594 Sheriffs, deputy sheriffs and municipal law enforcement officers  
595 shall be fully authorized to investigate all cases of  
596 nonattendance and unlawful absences by compulsory-school-age  
597 children, and shall be authorized to file a petition with the  
598 youth court under Section 43-21-451 or file a petition or  
599 information in the court of competent jurisdiction as it pertains  
600 to parent or child for violation of this section. The youth court  
601 shall expedite a hearing to make an appropriate adjudication and a  
602 disposition to ensure compliance with the Compulsory School  
603 Attendance Law, and may order the child to enroll or re-enroll in  
604 school. The superintendent of the school district to which the  
605 child is ordered may assign, in his discretion, the child to the  
606 alternative school program of the school established pursuant to  
607 Section 37-13-92.

608 (8) The State Board of Education shall adopt rules and  
609 regulations \* \* \* to sanction school districts that do not adhere





610 to said policy through findings of noncompliance on the monitoring  
611 process.

612 (9) Notwithstanding any provision or implication herein to  
613 the contrary, it is not the intention of this section to impair  
614 the primary right and the obligation of the parent or parents, or  
615 person or persons in loco parentis to a child, to choose the  
616 proper education and training for such child, and nothing in this  
617 section shall ever be construed to grant, by implication or  
618 otherwise, to the State of Mississippi, \* \* \* school attendance  
619 officers, agencies or subdivisions any right or authority to  
620 control, manage, supervise or make any suggestion as to the  
621 control, management or supervision of any private or parochial  
622 school or institution for the education or training of children,  
623 of any kind whatsoever that is not a public school according to  
624 the laws of this state; and this section shall never be construed  
625 so as to grant, by implication or otherwise, any right or  
626 authority to any state agency or other entity to control, manage,  
627 supervise, provide for or affect the operation, management,  
628 program, curriculum, admissions policy or discipline of any such  
629 school or home instruction program.

630 **SECTION 7.** Section 37-13-107, Mississippi Code of 1972, is  
631 amended as follows:

632 37-13-107. (1) Every school attendance officer shall be  
633 required annually to attend and complete a comprehensive course of  
634 training and education which is provided or approved by the Office



635 of Compulsory School Attendance Enforcement and Dropout Prevention  
636 of the State Department of Education. Attendance shall be  
637 required beginning with the first training seminar conducted after  
638 the school attendance officer is employed as a school attendance  
639 officer.

640 (2) The Office of Compulsory School Attendance Enforcement  
641 and Dropout Prevention shall provide or approve a course of  
642 training and education for school attendance officers of the  
643 state. The course shall consist of at least twelve (12) hours of  
644 training per year. The content of the course of training and when  
645 and where it is to be conducted shall be approved by the office.  
646 A certificate of completion shall be furnished by the State  
647 Department of Education to those school attendance officers who  
648 complete the course. Each certificate shall be made a permanent  
649 record of the local school \* \* \* district where the school  
650 attendance officer is employed.

651 (3) Upon the failure of any person employed as a school  
652 attendance officer to receive the certificate of completion from  
653 the State Department of Education within the first year of his  
654 employment, the person shall not be allowed to carry out any of  
655 the duties of a school attendance officer and shall not be  
656 entitled to compensation for the period of time during which the  
657 certificate has not been obtained.

658 **SECTION 8.** This act shall take effect and be in force from  
659 and after July 1, 2024.

