

By: Senator(s) DeBar

To: Education;
Appropriations

SENATE BILL NO. 2331

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 FOR
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 * * * the 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 districts 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
347 the 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:



610 (a) Ensure school superintendents timely report
611 unexcused absences under the provisions of this section; and
612 (b) Sanction school districts that do not adhere to
613 said policy through findings of noncompliance on the monitoring
614 process.

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

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



635 37-13-107. (1) Every school attendance officer shall be
636 required annually to attend and complete a comprehensive course of
637 training and education which is provided or approved by the Office
638 of Compulsory School Attendance Enforcement and Dropout Prevention
639 of the State Department of Education. Attendance shall be
640 required beginning with the first training seminar conducted after
641 the school attendance officer is employed as a school attendance
642 officer.

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

654 (3) Upon the failure of any person employed as a school
655 attendance officer to receive the certificate of completion from
656 the State Department of Education within the first year of his
657 employment, the person shall not be allowed to carry out any of
658 the duties of a school attendance officer and shall not be



659 entitled to compensation for the period of time during which the
660 certificate has not been obtained.

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

