

By: Representative Scott

To: Apportionment and  
Elections

## HOUSE BILL NO. 276

1 AN ACT TO REQUIRE CHILDREN WHO ARE YOUNGER THAN 18 YEARS OLD  
2 TO TAKE THE ACT ASSESSMENT PRIOR TO DROPPING OUT OF SCHOOL; TO  
3 PROVIDE THAT IF THE CHILD CANNOT ATTAIN A CERTAIN ACT SCORE THEY  
4 SHALL BE INCLUDED IN THE COMPULSORY SCHOOL ATTENDANCE LAW UNTIL  
5 THEY REACH 18 YEARS OF AGE; TO PROVIDE PENALTIES FOR THE PARENTS  
6 OF CHILDREN WHO ARE REQUIRED TO ATTEND SCHOOL UNTIL REACHING 18  
7 YEARS OF AGE AND MISS A CERTAIN NUMBER OF CONSECUTIVE DAYS; TO  
8 AMEND SECTION 37-13-91, MISSISSIPPI CODE OF 1972, IN CONFORMITY  
9 THERETO; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Any child under the age of eighteen (18) years of  
12 age who chooses to drop out of school shall first take the  
13 American College Testing (ACT) test. It is the responsibility of  
14 the school attendance officer of the district where the child  
15 resides to ensure that a child who chooses to drop out of school  
16 takes the ACT. If such child fails to attain a score of  
17 twenty-one (21) on the test, or a score of eighteen (18) in the  
18 case of a child who last attended a failing school, defined as a  
19 school which received a "D" or "F" rating, the child shall be  
20 required to attend school until the age of eighteen (18) in  
21 accordance with Section 37-13-91.



22           **SECTION 2.** Section 37-13-91, Mississippi Code of 1972, is  
23 amended as follows:

24           37-13-91. (1) This section shall be referred to as the  
25 "Mississippi Compulsory School Attendance Law."

26           (2) The following terms as used in this section are defined  
27 as follows:

28                   (a) "Parent" means the father or mother to whom a child  
29 has been born, or the father or mother by whom a child has been  
30 legally adopted.

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

34                   (c) "Custodian" means any person having the present  
35 care or custody of a child, other than a parent or guardian of the  
36 child.

37                   (d) "School day" means not less than five and one-half  
38 (5-1/2) and not more than eight (8) hours of actual teaching in  
39 which both teachers and pupils are in regular attendance for  
40 scheduled schoolwork.

41                   (e) "School" means any public school, including a  
42 charter school, in this state or any nonpublic school in this  
43 state which is in session each school year for at least one  
44 hundred eighty (180) school days, except that the "nonpublic"  
45 school term shall be the number of days that each school shall  
46 require for promotion from grade to grade.



47 (f) "Compulsory-school-age child" means a child who has  
48 attained or will attain the age of six (6) years on or before  
49 September 1 of the calendar year and who has not attained the age  
50 of seventeen (17) years on or before September 1 of the calendar  
51 year; and shall include any child who has attained or will attain  
52 the age of five (5) years on or before September 1 and has  
53 enrolled in a full-day public school kindergarten program; and  
54 shall include any child who is under the age of eighteen (18) and  
55 chooses to drop out of public school but cannot attain the minimum  
56 required ACT score as provided in Section 1 of this act.

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

59 (h) "Appropriate school official" means the  
60 superintendent of the school district, or his designee, or, in the  
61 case of a nonpublic school, the principal or the headmaster.

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

68 (3) A parent, guardian or custodian of a  
69 compulsory-school-age child in this state shall cause the child to  
70 enroll in and attend a public school or legitimate nonpublic



71 school for the period of time that the child is of compulsory  
72 school age, except under the following circumstances:

73 (a) When a compulsory-school-age child is physically,  
74 mentally or emotionally incapable of attending school as  
75 determined by the appropriate school official based upon  
76 sufficient medical documentation.

77 (b) When a compulsory-school-age child is enrolled in  
78 and pursuing a course of special education, remedial education or  
79 education for children with physical or mental disadvantages or  
80 disabilities.

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

83 The parent, guardian or custodian of a compulsory-school-age  
84 child described in this subsection, or the parent, guardian or  
85 custodian of a compulsory-school-age child attending any charter  
86 school or nonpublic school, or the appropriate school official for  
87 any or all children attending a charter school or nonpublic school  
88 shall complete a "certificate of enrollment" in order to  
89 facilitate the administration of this section.

90 The form of the certificate of enrollment shall be prepared  
91 by the Office of Compulsory School Attendance Enforcement of the  
92 State Department of Education and shall be designed to obtain the  
93 following information only:

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



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

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

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

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

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



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

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

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

(a) An absence is excused when the absence results from the compulsory-school-age child's attendance at an authorized school activity with the prior approval of the superintendent of the school district, or his designee. These activities may



include field trips, athletic contests, student conventions,  
musical festivals and any similar activity.

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

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

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

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

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

(g) An absence may be excused if the religion to which  
the compulsory-school-age child or the child's parents adheres,  
requires or suggests the observance of a religious event. The  
approval of the absence is within the discretion of the



171 superintendent of the school district, or his designee, but  
172 approval should be granted unless the religion's observance is of  
173 such duration as to interfere with the education of the child.

174 (h) An absence may be excused when it is demonstrated  
175 to the satisfaction of the superintendent of the school district,  
176 or his designee, that the purpose of the absence is to take  
177 advantage of a valid educational opportunity such as travel,  
178 including vacations or other family travel. Approval of the  
179 absence must be gained from the superintendent of the school  
180 district, or his designee, before the absence, but the approval  
181 shall not be unreasonably withheld.

182 (i) An absence may be excused when it is demonstrated  
183 to the satisfaction of the superintendent of the school district,  
184 or his designee, that conditions are sufficient to warrant the  
185 compulsory-school-age child's nonattendance. However, no absences  
186 shall be excused by the school district superintendent, or his  
187 designee, when any student suspensions or expulsions circumvent  
188 the intent and spirit of the compulsory attendance law.

189 (j) An absence is excused when it results from the  
190 attendance of a compulsory-school-age child participating in  
191 official organized events sponsored by the 4-H or Future Farmers  
192 of America (FFA). The excuse for the 4-H or FFA event must be  
193 provided in writing to the appropriate school superintendent by  
194 the Extension Agent or High School Agricultural Instructor/FFA  
195 Advisor.





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

200 (5) Any parent, guardian or custodian of a  
201 compulsory-school-age child subject to this section who refuses or  
202 willfully fails to perform any of the duties imposed upon him or  
203 her under this section or who intentionally falsifies any  
204 information required to be contained in a certificate of  
205 enrollment, shall be guilty of contributing to the neglect of a  
206 child and, upon conviction, shall be punished in accordance with  
207 Section 97-5-39.

208 Upon prosecution of a parent, guardian or custodian of a  
209 compulsory-school-age child for violation of this section, the  
210 presentation of evidence by the prosecutor that shows that the  
211 child has not been enrolled in school within eighteen (18)  
212 calendar days after the first day of the school year of the public  
213 school which the child is eligible to attend, or that the child  
214 has accumulated twelve (12) unlawful absences during the school  
215 year at the public school in which the child has been enrolled,  
216 shall establish a prima facie case that the child's parent,  
217 guardian or custodian is responsible for the absences and has  
218 refused or willfully failed to perform the duties imposed upon him  
219 or her under this section. However, no proceedings under this  
220 section shall be brought against a parent, guardian or custodian



of a compulsory-school-age child unless the school attendance officer has contacted promptly the home of the child and has provided written notice to the parent, guardian or custodian of the requirement for the child's enrollment or attendance.

(6) If a compulsory-school-age child has not been enrolled in a school within fifteen (15) calendar days after the first day of the school year of the school which the child is eligible to attend or the child has accumulated five (5) unlawful absences during the school year of the public school in which the child is enrolled, the school district superintendent, or his designee, shall report, within two (2) school days or within five (5) calendar days, whichever is less, the absences to the school attendance officer. The State Department of Education shall prescribe a uniform method for schools to utilize in reporting the unlawful absences to the school attendance officer. The superintendent, or his designee, also shall report any student suspensions or student expulsions to the school attendance officer when they occur.

(7) When a school attendance officer has made all attempts to secure enrollment and/or attendance of a compulsory-school-age child and is unable to effect the enrollment and/or attendance, the attendance officer shall file a petition with the youth court under Section 43-21-451 or shall file a petition in a court of competent jurisdiction as it pertains to parent or child. Sheriffs, deputy sheriffs and municipal law enforcement officers



shall be fully authorized to investigate all cases of nonattendance and unlawful absences by compulsory-school-age children, and shall be authorized to file a petition with the youth court under Section 43-21-451 or file a petition or information in the court of competent jurisdiction as it pertains to parent or child for violation of this section. The youth court shall expedite a hearing to make an appropriate adjudication and a disposition to ensure compliance with the Compulsory School Attendance Law, and may order the child to enroll or re-enroll in school. The superintendent of the school district to which the child is ordered may assign, in his discretion, the child to the alternative school program of the school established pursuant to Section 37-13-92.

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

(9) Notwithstanding any provision or implication herein to the contrary, it is not the intention of this section to impair the primary right and the obligation of the parent or parents, or person or persons in loco parentis to a child, to choose the proper education and training for such child, and nothing in this section shall ever be construed to grant, by implication or otherwise, to the State of Mississippi, any of its officers, agencies or subdivisions any right or authority to control,



271 manage, supervise or make any suggestion as to the control,  
272 management or supervision of any private or parochial school or  
273 institution for the education or training of children, of any kind  
274 whatsoever that is not a public school according to the laws of  
275 this state; and this section shall never be construed so as to  
276 grant, by implication or otherwise, any right or authority to any  
277 state agency or other entity to control, manage, supervise,  
278 provide for or affect the operation, management, program,  
279 curriculum, admissions policy or discipline of any such school or  
280 home instruction program.

281       **SECTION 3.** This act shall take effect and be in force from  
282 and after July 1, 2025.

