

By: Representative Eubanks

To: Education

## HOUSE BILL NO. 1371

1       AN ACT TO REQUIRE EACH LOCAL SCHOOL BOARD TO ADOPT CERTAIN  
2 POLICY EXCUSING A STUDENT TO ATTEND CERTAIN RELEASED-TIME COURSES;  
3 TO PROVIDE REQUIREMENTS FOR STUDENTS TO ATTEND CERTAIN COURSES; TO  
4 PROVIDE CERTAIN IMMUNITY FROM LIABILITY; TO EXEMPTING INSTRUCTORS  
5 OF CERTAIN RELEASED-TIME COURSES FROM LICENSURE OR CERTIFICATION;  
6 TO PROVIDE THAT STUDENTS SHALL BE CONSIDERED IN ATTENDANCE WITH A  
7 SCHOOL DISTRICT WHILE ATTENDING CERTAIN RELEASED-TIME COURSES; TO  
8 PROVIDE FOR THE AWARD OF ELECTIVE CREDIT FOR COMPLETION OF CERTAIN  
9 RELEASED-TIME COURSES; TO PROVIDE FOR EVALUATION OF CERTAIN  
10 COURSES; TO PROVIDE AN EXEMPTION FOR CHARTER SCHOOLS AND VIRTUAL  
11 CHARTER SCHOOLS; TO AMEND SECTION 37-13-91, MISSISSIPPI CODE OF  
12 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

14       **SECTION 1.** This act shall be known and may be cited as the  
15 "Released-Time Course Act."

16       **SECTION 2.** (1) Each local school board shall adopt a policy  
17 that excuses a student from school to attend a released-time  
18 course for no more than three (3) class periods per week or a  
19 maximum of one hundred twenty-five (125) class periods per school  
20 year; provided, that:

21               (a) The student's parent or legal guardian provides  
22 written consent prior to the student's participation in the  
23 released-time course, or alternatively, if the student's parent or

24 legal guardian does not respond to the request for written  
25 consent, the student provides written consent to the student's  
26 participation in the released-time course;

27 (b) The student's parent or legal guardian may, at any  
28 time, terminate the student's participation in the released-time  
29 program upon written notice to the local school board;

30 (c) No school district funds other than de minimis  
31 administrative costs shall be expended, and no school district  
32 personnel, equipment or resources are involved in providing the  
33 instruction;

34 (d) The independent entity maintains attendance records  
35 and makes them available to the school district and its local  
36 school board;

37 (e) Any transportation provided to and from the place  
38 of instruction is the sole responsibility of the independent  
39 entity, the student, or the student's parent or legal guardian;

40 (f) The independent entity or the student's parent or  
41 legal guardian indemnifies the school district and holds the  
42 school and district harmless with regard to any liability arising  
43 from conduct that does not occur on school property under the  
44 control or supervision of the school district, and the independent  
45 entity maintains adequate insurance for that purpose;

46 (g) The student assumes responsibility for any missed  
47 school work; and

63 (4) A student who attends a released-time course shall be  
64 considered in attendance in the school district, and the time  
65 shall be calculated as part of the school day.

73 manner that does not involve any test for religious content or  
74 denominational affiliation. For purposes of this subsection, the  
75 secular criteria used to evaluate a released-time course may  
76 include:

77 (a) The amount of classroom instruction time;  
78 (b) The course syllabus, which reflects the course  
79 requirements and any materials used in the course;  
80 (c) Methods of assessment used in the course; and  
81 (d) The qualifications of the course instructor.

82 (6) The provisions of this section shall not apply to  
83 charter schools established pursuant to Section 37-28-1, et seq.,  
84 or virtual schools established pursuant to Section 37-161-1, et  
85 seq.

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

88 37-13-91. (1) This section shall be referred to as the  
89 "Mississippi Compulsory School Attendance Law."

90 (2) The following terms as used in this section are defined  
91 as follows:

92 (a) "Parent" means the father or mother to whom a child  
93 has been born, or the father or mother by whom a child has been  
94 legally adopted.

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



98 (c) "Custodian" means any person having the present  
99 care or custody of a child, other than a parent or guardian of the  
100 child.

101 (d) "School day" means not less than five and one-half  
102 (5-1/2) and not more than eight (8) hours of actual teaching in  
103 which both teachers and pupils are in regular attendance for  
104 scheduled schoolwork.

105 (e) "School" means any public school, including a  
106 charter school, in this state or any nonpublic school in this  
107 state which is in session each school year for at least one  
108 hundred eighty (180) school days, except that the "nonpublic"  
109 school term shall be the number of days that each school shall  
110 require for promotion from grade to grade.

111 (f) "Compulsory-school-age child" means a child who has  
112 attained or will attain the age of six (6) years on or before  
113 September 1 of the calendar year and who has not attained the age  
114 of seventeen (17) years on or before September 1 of the calendar  
115 year; and shall include any child who has attained or will attain  
116 the age of five (5) years on or before September 1 and has  
117 enrolled in a full-day public school kindergarten program.

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

120 (h) "Appropriate school official" means the  
121 superintendent of the school district, or his designee, or, in the  
122 case of a nonpublic school, the principal or the headmaster.

133 (3) A parent, guardian or custodian of a  
134 compulsory-school-age child in this state shall cause the child to  
135 enroll in and attend a public school or legitimate nonpublic  
136 school for the period of time that the child is of compulsory  
137 school age, except under the following circumstances:

138 (a) When a compulsory-school-age child is physically,  
139 mentally or emotionally incapable of attending school as  
140 determined by the appropriate school official based upon  
141 sufficient medical documentation.

142 (b) When a compulsory-school-age child is enrolled in  
143 and pursuing a course of special education, remedial education or  
144 education for children with physical or mental disadvantages or  
145 disabilities.

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

148        The parent, guardian or custodian of a compulsory-school-age  
149    child described in this subsection, or the parent, guardian or  
150    custodian of a compulsory-school-age child attending any charter  
151    school or nonpublic school, or the appropriate school official for  
152    any or all children attending a charter school or nonpublic school  
153    shall complete a "certificate of enrollment" in order to  
154    facilitate the administration of this section.

155        The form of the certificate of enrollment shall be prepared  
156    by the Office of Compulsory School Attendance Enforcement of the  
157    State Department of Education and shall be designed to obtain the  
158    following information only:

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

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

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

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

172        The certificate of enrollment shall be returned to the school  
173    attendance officer where the child resides on or before September  
174    15 of each year. Any parent, guardian or custodian found by the  
175    school attendance officer to be in noncompliance with this section  
176    shall comply, after written notice of the noncompliance by the  
177    school attendance officer, with this subsection within ten (10)  
178    days after the notice or be in violation of this section.

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

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

190        (4) An "unlawful absence" is an absence for an entire school  
191    day or during part of a school day by a compulsory-school-age  
192    child, which absence is not due to a valid excuse for temporary  
193    nonattendance. For purposes of reporting absenteeism under  
194    subsection (6) of this section, if a compulsory-school-age child  
195    has an absence that is more than thirty-seven percent (37%) of the  
196    instructional day, as fixed by the school board for the school at



197 which the compulsory-school-age child is enrolled, the child must  
198 be considered absent the entire school day. Days missed from  
199 school due to disciplinary suspension shall not be considered an  
200 "excused" absence under this section. This subsection shall not  
201 apply to children enrolled in a nonpublic school.

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

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

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

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

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

222 compulsory-school-age child. The immediate family members of a  
223 compulsory-school-age child shall include children, spouse,  
224 grandparents, parents, brothers and sisters, including  
225 stepbrothers and stepsisters.

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

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

232 (g) An absence may be excused if the religion to which  
233 the compulsory-school-age child or the child's parents adheres,  
234 requires or suggests the observance of a religious event. The  
235 approval of the absence is within the discretion of the  
236 superintendent of the school district, or his designee, but  
237 approval should be granted unless the religion's observance is of  
238 such duration as to interfere with the education of the child.

239 Additionally, students may be excused by school districts which  
240 have adopted a policy allowing students' voluntary participation  
241 in an approved released-time course, as defined in subsection  
242 (2)(j).

243 (h) An absence may be excused when it is demonstrated  
244 to the satisfaction of the superintendent of the school district,  
245 or his designee, that the purpose of the absence is to take  
246 advantage of a valid educational opportunity such as travel,



247 including vacations or other family travel. Approval of the  
248 absence must be gained from the superintendent of the school  
249 district, or his designee, before the absence, but the approval  
250 shall not be unreasonably withheld.

251 (i) An absence may be excused when it is demonstrated  
252 to the satisfaction of the superintendent of the school district,  
253 or his designee, that conditions are sufficient to warrant the  
254 compulsory-school-age child's nonattendance. However, no absences  
255 shall be excused by the school district superintendent, or his  
256 designee, when any student suspensions or expulsions circumvent  
257 the intent and spirit of the compulsory attendance law.

258 (j) An absence is excused when it results from the  
259 attendance of a compulsory-school-age child participating in  
260 official organized events sponsored by the 4-H or Future Farmers  
261 of America (FFA). The excuse for the 4-H or FFA event must be  
262 provided in writing to the appropriate school superintendent by  
263 the Extension Agent or High School Agricultural Instructor/FFA  
264 Advisor.

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

269 (5) Any parent, guardian or custodian of a  
270 compulsory-school-age child subject to this section who refuses or  
271 willfully fails to perform any of the duties imposed upon him or

272 her under this section or who intentionally falsifies any  
273 information required to be contained in a certificate of  
274 enrollment, shall be guilty of contributing to the neglect of a  
275 child and, upon conviction, shall be punished in accordance with  
276 Section 97-5-39.

277       Upon prosecution of a parent, guardian or custodian of a  
278 compulsory-school-age child for violation of this section, the  
279 presentation of evidence by the prosecutor that shows that the  
280 child has not been enrolled in school within eighteen (18)  
281 calendar days after the first day of the school year of the public  
282 school which the child is eligible to attend, or that the child  
283 has accumulated twelve (12) unlawful absences during the school  
284 year at the public school in which the child has been enrolled,  
285 shall establish a *prima facie* case that the child's parent,  
286 guardian or custodian is responsible for the absences and has  
287 refused or willfully failed to perform the duties imposed upon him  
288 or her under this section. However, no proceedings under this  
289 section shall be brought against a parent, guardian or custodian  
290 of a compulsory-school-age child unless the school attendance  
291 officer has contacted promptly the home of the child and has  
292 provided written notice to the parent, guardian or custodian of  
293 the requirement for the child's enrollment or attendance.

294       (6) If a compulsory-school-age child has not been enrolled  
295 in a school within fifteen (15) calendar days after the first day  
296 of the school year of the school which the child is eligible to



297 attend or the child has accumulated five (5) unlawful absences  
298 during the school year of the public school in which the child is  
299 enrolled, the school district superintendent, or his designee,  
300 shall report, within two (2) school days or within five (5)  
301 calendar days, whichever is less, the absences to the school  
302 attendance officer. The State Department of Education shall  
303 prescribe a uniform method for schools to utilize in reporting the  
304 unlawful absences to the school attendance officer. The  
305 superintendent, or his designee, also shall report any student  
306 suspensions or student expulsions to the school attendance officer  
307 when they occur.

308 (7) When a school attendance officer has made all attempts  
309 to secure enrollment and/or attendance of a compulsory-school-age  
310 child and is unable to effect the enrollment and/or attendance,  
311 the attendance officer shall file a petition with the youth court  
312 under Section 43-21-451 or shall file a petition in a court of  
313 competent jurisdiction as it pertains to parent or child.  
314 Sheriffs, deputy sheriffs and municipal law enforcement officers  
315 shall be fully authorized to investigate all cases of  
316 nonattendance and unlawful absences by compulsory-school-age  
317 children, and shall be authorized to file a petition with the  
318 youth court under Section 43-21-451 or file a petition or  
319 information in the court of competent jurisdiction as it pertains  
320 to parent or child for violation of this section. The youth court  
321 shall expedite a hearing to make an appropriate adjudication and a



322 disposition to ensure compliance with the Compulsory School  
323 Attendance Law, and may order the child to enroll or re-enroll in  
324 school. The superintendent of the school district to which the  
325 child is ordered may assign, in his discretion, the child to the  
326 alternative school program of the school established pursuant to  
327 Section 37-13-92.

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

332 (9) Notwithstanding any provision or implication herein to  
333 the contrary, it is not the intention of this section to impair  
334 the primary right and the obligation of the parent or parents, or  
335 person or persons in loco parentis to a child, to choose the  
336 proper education and training for such child, and nothing in this  
337 section shall ever be construed to grant, by implication or  
338 otherwise, to the State of Mississippi, any of its officers,  
339 agencies or subdivisions any right or authority to control,  
340 manage, supervise or make any suggestion as to the control,  
341 management or supervision of any private or parochial school or  
342 institution for the education or training of children, of any kind  
343 whatsoever that is not a public school according to the laws of  
344 this state; and this section shall never be construed so as to  
345 grant, by implication or otherwise, any right or authority to any  
346 state agency or other entity to control, manage, supervise,



347 provide for or affect the operation, management, program,  
348 curriculum, admissions policy or discipline of any such school or  
349 home instruction program.

350           **SECTION 4.** This act shall take effect and be in force from  
351 and after July 1, 2025.

