

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



48 (h) The school district superintendent, the principal
49 for the school site in which the student is enrolled, or their
50 designees, have reasonable discretion over the scheduling and
51 timing of released-time courses. However, the student may not be
52 excused to participate in a released-time course during any class
53 in which the subject matter being taught is subject to the
54 assessment requirements of Chapter 16 of Title 37, Mississippi
55 Code of 1972.

56 (2) The school district, its local school board, and the
57 state shall not be liable for the student who participates in a
58 released-time course when the student is not under the control or
59 supervision of the school district.

60 (3) Instructors hired by an independent entity to provide a
61 released-time course shall not be required to be licensed or
62 certified teachers.

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.

66 (5) A local school board shall award a student credit for
67 work completed in a released-time course that is substantiated by
68 a transcript from the independent entity providing the course. A
69 student shall be awarded elective credit for the completion of
70 each released-time course. To determine whether elective credit
71 may be awarded as provided for in this subsection, the local
72 school board shall evaluate the course in a neutral and secular



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

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

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

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

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

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

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

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



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

(j) "Released-time course" means a period of time during which a student is excused from school to attend a course in religious or moral instruction taught by an independent entity off school property.

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

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

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

(c) When a compulsory-school-age child is being 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



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 superintendent of the school district, or his designee, but approval should be granted unless the religion's observance is of such duration as to interfere with the education of the child. Additionally, students may be excused by school districts which have adopted a policy allowing students' voluntary participation in an approved released-time course, as defined in subsection (2)(j).

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



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

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

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

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

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



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

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



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



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, manage, supervise or make any suggestion as to the control, management or supervision of any private or parochial school or institution for the education or training of children, of any kind whatsoever that is not a public school according to the laws of this state; and this section shall never be construed so as to grant, by implication or otherwise, any right or authority to any 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.

