

By: Representative Owen

To: Education

HOUSE BILL NO. 1610  
(As Passed the House)

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; TO PROVIDE THAT STAFF EMPLOYED BY  
11 THE STATE SUPERINTENDENT OF EDUCATION TO ENFORCE THE MISSISSIPPI  
12 COMPULSORY SCHOOL ATTENDANCE LAW SHALL BE COMPENSATED AT THE SAME  
13 SALARY RECEIVED BY REGIONAL SCHOOL ATTENDANCE OFFICERS FOR FISCAL  
14 YEAR 2025 RATE PLUS AN ADDITIONAL 25%; TO CLARIFY THE MINIMUM  
15 QUALIFICATIONS NECESSARY FOR SCHOOL ATTENDANCE OFFICERS AND REMOVE  
16 THE REQUIREMENT OF THE STATE PERSONNEL BOARD TO ESTABLISH  
17 ADDITIONAL QUALIFICATIONS FOR SCHOOL ATTENDANCE OFFICERS; TO  
18 PROVIDE THAT SCHOOL ATTENDANCE OFFICERS EMPLOYED BY THE STATE  
19 DEPARTMENT OF EDUCATION ON JULY 1, 2025, SHALL BE TRANSFERRED TO  
20 EMPLOYMENT STATUS AS EMPLOYEES OF THEIR RESPECTIVE SCHOOL  
21 DISTRICTS WITH WORK LOCATIONS THEREIN AND SHALL ENFORCE ATTENDANCE  
22 AT CHARTER SCHOOLS LOCATED WITHIN THE SCHOOL DISTRICT; TO PROVIDE  
23 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, 2025, 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



OF EDUCATION SHALL BE COMPENSATED AT THE SAME SALARY RECEIVED  
FISCAL YEAR 2025 RATE PLUS AN ADDITIONAL 25%; TO PROVIDE THAT  
SCHOOL ATTENDANCE OFFICERS SHALL NOT EXPERIENCE ANY INTERRUPTION  
OF SERVICE WITH THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE  
SCHOOL EMPLOYEES' HEALTH INSURANCE PLAN AS A RESULT OF THE  
TRANSFER OF EMPLOYMENT RESPONSIBILITY; TO REQUIRE THE STATE  
DEPARTMENT OF EDUCATION AND THE MISSISSIPPI ASSOCIATION OF SCHOOL  
SUPERINTENDENTS TO SUBMIT A REPORT TO THE LEGISLATURE ON THE  
STATUS AND PROGRESS OF SCHOOL ATTENDANCE OFFICERS AS EMPLOYEES OF  
THE LUNCH SCHOOL DISTRICT; TO AMEND SECTION 37-13-107, MISSISSIPPI  
CODE OF 1972, IN CONFORMITY TO THE PRECEDING PROVISIONS; TO AMEND  
SECTION 37-13-91, MISSISSIPPI CODE OF 1972, TO REQUIRE THE LOCAL  
SCHOOL DISTRICT TO REPORT ANY UNEXCUSED ABSENCE OF A STUDENT TO  
THE SCHOOL ATTENDANCE OFFICER WITHIN 24 HOURS OF THE ABSENCE; AND  
FOR RELATED PURPOSES.

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

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

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

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

37-13-83. The State Superintendent of Public Education  
shall \* \* \* employ sufficient staff responsible for the proper  
administration of the Office of Compulsory School Attendance  
Enforcement and Dropout Prevention in conformity with the  
Mississippi Compulsory School Attendance Law and any other  
regulations or policies that may be adopted by the State Board of  
Education. \* \* \*



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

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

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

78           \* \* \*

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

83           ( \* \* \*c) To provide to school districts failing to  
84 meet the established standards for enrollment and attendance  
85 assistance in reducing absenteeism or the dropout rates in those  
86 districts;

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

91           ( \* \* \*e) To develop and implement a system under which  
92 school districts are required to maintain accurate records that



93 document enrollment and attendance in such a manner that the  
94 records reflect all changes in enrollment and attendance, and to  
95 require school attendance officers to submit information  
96 concerning public school attendance on a monthly basis to the  
97 office;

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

103 ( \* \* \*g) To provide to the State Board of Education  
104 statistical information concerning absenteeism, dropouts and other  
105 attendance-related problems as requested by the State Board of  
106 Education;

107 ( \* \* \*h) To provide for the certification of school  
108 attendance officers;

109 ( \* \* \*i) To provide for a course of training and  
110 education for school attendance officers, and to require  
111 successful completion of the course as a prerequisite to  
112 certification by the office as school attendance officers;

113 ( \* \* \*j) To adopt any guidelines or policies the  
114 office deems necessary to effectuate an orderly transition from  
115 the supervision of school attendance officers by \* \* \* State  
116 Department of Education to the supervision by the local  
117 school \* \* \* district;



118 \* \* \*

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

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

128 (m) To transfer all funds appropriated to the State  
129 Department of Education for school attendance officers to local  
130 school district on the same schedule as Mississippi Student  
131 Funding Formula (MSFF) disbursements in accordance with Section  
132 37-151-103.

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

135 37-13-87. (1) The \* \* \* State Superintendent of Public  
136 Education shall employ \* \* \* sufficient staff of whom shall \* \* \*  
137 provide oversight for the enforcement of the Mississippi  
138 Compulsory School Attendance Law \* \* \* and shall \* \* \* support and  
139 provide technical assistance and professional development to the  
140 school attendance officers in the \* \* \* local school districts.  
141 The \* \* \* staff employed by the State Superintendent of Public  
142 Education shall assist the school attendance officers in the



performance of their duties as established by law or otherwise \* \* \* and may also perform any such other duties within the Office of Compulsory School Attendance Enforcement and Dropout Prevention as may be assigned by the State Superintendent of Public Education.

(2) \* \* \* The \* \* \* staff employed by the State Superintendent of Education at the State Department of Education shall receive an annual salary to be set by the State Superintendent of Public Education, provided that each employee employed by the State Department of Education on June 30, 2025, shall be compensated at the annual salary rate established for such position during the 2025 fiscal year plus an additional twenty-five percent (25%), subject to the approval of the State Personnel Board.

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

37-13-89. (1) (a) In each school district within the state, there shall be employed the number of school attendance officers determined by the local school district, in consultation with the Office of Compulsory School Attendance Enforcement and Dropout Prevention to be necessary to adequately enforce the provisions of the Mississippi Compulsory School Attendance Law \* \* \*. In any school district where charter schools operate, the school district's school attendance officer shall also enforce the provisions of the Mississippi Compulsory School Attendance Law



for those charter schools. From and after July 1, \* \* \* 2025, all school attendance officers employed pursuant to this section shall be employees of the \* \* \* local school district. \* \* \* Local school districts shall employ all persons employed as school attendance officers by \* \* \* the State Department of Education before July 1, \* \* \* 2025, and shall assign them to school attendance responsibilities in the school district in which they were employed before July 1, \* \* \* 2025. \* \* \*

(b) If a school attendance officer employed by the State Department of Education performed services in two (2) or more school districts during the 2024-2025 school year, that school attendance officer shall continue to serve the same two (2) or more school districts for the 2025-2026 school year. For purposes of employment, the school attendance officer shall be assigned to the school district with the largest student enrollment, and that school district shall serve as the fiscal agent, with funding shared with the partnering districts. Effective on July 1, 2026, if two (2) or more school districts fall below a certain number of students enrolled, to be determined by the State Department of Education, or are only provided funding for one-half (1/2) of the salary of the school attendance officer, those school districts are authorized, in the discretion of their respective local school board, to enter into an agreement for the purposes of sharing a school attendance officer. The agreement shall designate which district shall serve as the fiscal agent and



193 the mutually agreed upon salary for the school attendance officer.  
194 The agreement shall be duly adopted by resolution of the  
195 participating school boards as reflected in the minutes of each  
196 school board and approved by the Office of Compulsory School  
197 Attendance Enforcement and Dropout Prevention.

198       (2)   (a)   The \* \* \* local school districts shall \* \* \*  
199 conduct criminal records background checks and current child abuse  
200 registry checks on all persons applying for the position of school  
201 attendance officer after July \* \* \* 1, 2025. The criminal records  
202 information and registry checks must be kept on file for any new  
203 hires. \* \* \* To determine an applicant's suitability for  
204 employment as a school attendance officer, the applicant must be  
205 fingerprinted. If no disqualifying record is identified at the  
206 state level, the Department of Public Safety shall forward the  
207 fingerprints to the Federal Bureau of Investigation (FBI) for a  
208 national criminal history record check. The applicant shall pay  
209 the fee, not to exceed Fifty Dollars (\$50.00), for the  
210 fingerprinting and criminal records background check; however,  
211 the \* \* \* local school district, in its discretion, may pay the  
212 fee for the fingerprinting and criminal records background check  
213 on behalf of any applicant. Under no circumstances may a member  
214 of the \* \* \* local school board of trustees, employee of the \* \* \*  
215 local school district or any person other than the subject of the  
216 criminal records background check disseminate information received





217 through any such checks except insofar as required to fulfill the  
218 purposes of this subsection.

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

238 (i) Age at which the crime was committed;  
239 (ii) Circumstances surrounding the crime;  
240 (iii) Length of time since the conviction and  
241 criminal history since the conviction;



242 (iv) Work history;  
243 (v) Current employment and character references;  
244 and  
245 (vi) Other evidence demonstrating the ability of  
246 the person to perform the responsibilities of a school attendance  
247 officer competently and that the person does not pose a threat to  
248 the health or safety of children.

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

256 (3) Each school attendance officer shall possess a college  
257 degree with a major in a behavioral science or a related field or  
258 shall have no less than three (3) years combined actual experience  
259 as a school teacher, school administrator, law enforcement officer  
260 possessing such degree, and/or social worker; however, these  
261 requirements shall not apply to persons employed as school  
262 attendance officers before January 1, 1987. School attendance  
263 officers also shall satisfy any additional requirements that may  
264 be established by the \* \* \* hiring local school district.

265 (4) It shall be the duty of each school attendance officer  
266 to:



267                   (a) Cooperate with any public agency to locate and  
268 identify all compulsory-school-age children who are not attending  
269 school;

270                   (b) Cooperate with all courts of competent  
271 jurisdiction;

272                   (c) Investigate all cases of nonattendance and unlawful  
273 absences by compulsory-school-age children not enrolled in a  
274 nonpublic school;

275                   (d) Provide appropriate counseling to encourage all  
276 school-age children to attend school until they have completed  
277 high school;

278                   (e) Attempt to secure the provision of social or  
279 welfare services that may be required to enable any child to  
280 attend school;

281                   (f) Contact the home or place of residence of a  
282 compulsory-school-age child and any other place in which the  
283 officer is likely to find any compulsory-school-age child when the  
284 child is absent from school during school hours without a valid  
285 written excuse from school officials, and when the child is found,  
286 the officer shall notify the parents and school officials as to  
287 where the child was physically located;

288                   (g) Contact promptly the home of each  
289 compulsory-school-age child in the school district within the  
290 officer's jurisdiction who is not enrolled in school or is not in  
291 attendance at public school and is without a valid written excuse



from school officials; if no valid reason is found for the nonenrollment or absence from the school, the school attendance officer shall give written notice to the parent, guardian or custodian of the requirement for the child's enrollment or attendance;

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

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

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

(6) The state shall provide funding for one (1) school attendance officer employed by a local school district for every three thousand (3,000) compulsory-school-age children, as defined by Section 37-13-91(2)(f), in enrollment in the public schools of the county, for the purpose of employing school attendance officers as defined in Section 37-13-91(2)(g).

( \* \* \*7) The \* \* \* salary \* \* \* for school attendance officers \* \* \* shall be based upon factors including, but not



limited to, education, professional certification and licensure,  
and number of years of experience. School attendance must meet  
the minimum requirements as identified in subsection (3) of this  
section. Effective July 1, 2025, any newly hired school  
attendance officers shall be paid \* \* \* a minimum salary \* \* \* of  
Thirty Thousand Dollars (\$30,000.00). Local school districts may  
pay additional compensation above the minimum salary on a schedule  
established by the local school board. \* \* \*

\* \* \*

( \* \* \*8) \* \* \* Each school attendance officer employed by  
the State Department of Education on June 30, 2025, shall be  
transferred from state services under the authority of the State  
Personnel Board to employment status as an employee of the  
respective school district of assignment and shall be paid at the  
salary established for the 2025 fiscal year plus an additional  
twenty-five percent (25%). Each school attendance officer shall  
have a work location within the school district they serve. Each  
school attendance officer who became an employee of the local  
school district on July 1, 2025, shall have no interruption of  
service with the Public Employees' Retirement System and the State  
and School Employees' Health Insurance Plan. Any unused leave  
accumulated in state-service employment with the State Department  
of Education shall be transferred in accordance with the provision  
of Section 37-7-307, unless otherwise provided.

\* \* \*



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

\* \* \*

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

(11) The State Department of Education and the Mississippi Association of School Superintendents shall provide a joint report on the status and progress of school attendance officers in their capacity as employees of local school districts and the fulfillment of their assigned duties and obligations to the



Legislature for review and consideration during the 2027 Regular Session.

**SECTION 6.** 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.

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

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

(e) "School" means any public school, including a charter school, in this state or any nonpublic school in this state which is in session each school year for at least one hundred eighty (180) school days, except that the "nonpublic"



391 school term shall be the number of days that each school shall  
392 require for promotion from grade to grade.

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

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

405 (h) "Appropriate school official" means the  
406 superintendent of the school district, or his designee, or, in the  
407 case of a nonpublic school, the principal or the headmaster.

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

414 (3) A parent, guardian or custodian of a  
415 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.

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

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



(i) The name, address, telephone number and date 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 that serves the local public school district 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:



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

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

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

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

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

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



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

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

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

537           (j) An absence is excused when it results from the  
538 attendance of a compulsory-school-age child participating in  
539 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 \* \* \* three (3) calendar days after the first day of the school year of the school which the child is eligible to attend or \* \* \* upon any occurrence of unexcused 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 \* \* \* twenty-four (24) hours of the unexcused absences, the absences to the school attendance officer.

The \* \* \* local school district shall prescribe a uniform method for schools to utilize in reporting the unlawful absences to the school attendance officer. The school district shall report all absences to the school attendance officer within twenty-four (24) hours. The school attendance officer shall make a contact to the parent or guardian within the next twenty-four (24) hours. The contact may be via text, email, phone call or personal visit. 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 \* \* \* verify 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 \* \* \* to sanction school districts that do not adhere





613 to 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, 2025.

