

**Pending
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 2618

BY: Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

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

80 37-13-81. There is created the Office of Compulsory School
81 Attendance Enforcement * * * and Dropout Prevention * * * within
82 the State Department of Education. The office shall be
83 responsible for the administration of a statewide system of
84 enforcement of the Mississippi Compulsory School Attendance Law
85 (Section 37-13-91) * * *.

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



37-13-83. The State Superintendent of Public Education shall * * * employ sufficient staff for the Office of Compulsory School Attendance Enforcement and Dropout Prevention, who shall meet all qualifications established * * * by the State Superintendent of Public Education * * * with the approval of the State Personnel Board. The * * * staff shall be 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. * * *

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

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

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

* * *

(* * * b) To establish minimum standards for enrollment and attendance for the state and each individual school district,



and to monitor the success of the state and districts in achieving the required levels of performance;

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

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

(* * * e) To develop and implement a system under which school districts are required to maintain accurate records that document enrollment and attendance in such a manner that the records reflect all changes in enrollment and attendance, and to require school attendance officers to submit information concerning public school attendance on a monthly basis to the office;

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

(* * * g) To provide to the State Board of Education statistical information concerning absenteeism, dropouts and other



attendance-related problems as requested by the State Board of Education;

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

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

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

* * *

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

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

(m) To transfer all funds appropriated to the State Department of Education for school attendance officers to local



161 school districts on the same schedule as total funding formula
162 disbursements in accordance with Section 37-151-103.

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

165 37-13-87. * * * The * * * State Superintendent of Public
166 Education shall employ sufficient staff to provide oversight for
167 the enforcement of the Mississippi Compulsory School Attendance
168 Law * * * and shall support and provide technical assistance and
169 professional development to the school attendance officers in the
170 local school districts. The * * * staff employed by the state
171 superintendent shall assist the school attendance officers in the
172 performance of their duties as established by law or otherwise and
173 may also perform any such other duties within the Office of
174 Compulsory School Attendance Enforcement and Dropout Prevention as
175 may be assigned by the State Superintendent of Public Education.

176 * * *

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

179 37-13-89. (1) (a) In each school district within the
180 state, there shall be employed the number of school attendance
181 officers determined by the local school district, in consultation
182 with the Office of Compulsory School Attendance Enforcement and
183 Dropout Prevention to be necessary to adequately enforce the
184 provisions of the Mississippi Compulsory School Attendance
185 Law * * *. In any school district where charter schools operate,



186 the school district's school attendance officer shall also enforce
187 the provisions of the Mississippi Compulsory School Attendance Law
188 for those charter schools. From and after July 1, * * * 2025, all
189 school attendance officers employed pursuant to this section shall
190 be employees of the * * * local school district. * * * Local
191 school districts shall employ all persons employed as school
192 attendance officers by * * * the State Department of Education
193 before July 1, * * * 2025, and shall assign them to school
194 attendance responsibilities in the school district in which they
195 were employed before July 1, * * * 2025. * * *

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



211 purposes of sharing a school attendance officer. The agreement
212 shall designate which district shall serve as the fiscal agent and
213 the mutually agreed upon salary for the school attendance officer.
214 The agreement shall be duly adopted by resolution of the
215 participating school boards as reflected in the minutes of each
216 school board and approved by the Office of Compulsory School
217 Attendance Enforcement and Dropout Prevention.

218 (2) (a) The * * * local school districts shall * * *
219 conduct criminal records background checks and current child abuse
220 registry checks on all persons applying for the position of school
221 attendance officer after July * * * 1, 2025. The criminal records
222 information and registry checks must be kept on file for any new
223 hires. * * * To determine an applicant's suitability for
224 employment as a school attendance officer, the applicant must be
225 fingerprinted. If no disqualifying record is identified at the
226 state level, the Department of Public Safety shall forward the
227 fingerprints to the Federal Bureau of Investigation (FBI) for a
228 national criminal history record check. The applicant shall pay
229 the fee, not to exceed Fifty Dollars (\$50.00), for the
230 fingerprinting and criminal records background check; however,
231 the * * * local school district, in its discretion, may pay the
232 fee for the fingerprinting and criminal records background check
233 on behalf of any applicant. Under no circumstances may a member
234 of the * * * local school board of trustees, employee of the * * *
235 local school district or any person other than the subject of the



criminal records background check disseminate information received through any such checks except insofar as required to fulfill the purposes of this subsection.

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

- (i) Age at which the crime was committed;
- (ii) Circumstances surrounding the crime;



(iii) Length of time since the conviction and criminal history since the conviction;

(iv) Work history;

(v) Current employment and character references;

and

(vi) Other evidence demonstrating the ability of the person to perform the responsibilities of a school attendance officer competently and that the person does not pose a threat to the health or safety of children.

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

(3) Each school attendance officer shall possess a college degree with a major in education, counseling, a behavioral science or a related field or shall have no less than three (3) years combined actual experience as a school teacher, school administrator, law enforcement officer possessing such degree, and/or social worker; however, these requirements shall not apply to persons employed as school attendance officers before January 1, 1987. School attendance officers also shall satisfy any



additional requirements that may be established by the * * *
hiring local school district.

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

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

(b) Cooperate with all courts of competent
jurisdiction;

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

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

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

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



309 (g) Contact promptly the home of each
310 compulsory-school-age child in the school district within the
311 officer's jurisdiction who is not enrolled in school or is not in
312 attendance at public school and is without a valid written excuse
313 from school officials; if no valid reason is found for the
314 nonenrollment or absence from the school, the school attendance
315 officer shall give written notice to the parent, guardian or
316 custodian of the requirement for the child's enrollment or
317 attendance;

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

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

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

330 (6) The state shall provide funding for one (1) school
331 attendance officer employed by a local school district for every
332 three thousand (3,000) compulsory-school-age children, as defined
333 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 officers 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-four Thousand Dollars (\$34,000.00). * * * 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. 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" school term shall be the number of days that each school shall require for promotion from grade to grade.

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

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

(h) "Appropriate school official" means the superintendent of the school district, or his designee, or, in the 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.



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

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

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

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

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

455 The form of the certificate of enrollment shall be prepared
456 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) The local public school district where the compulsory-school-age child resides;

(* * *iv) 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

(* * *y) 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:

(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.



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

535 (g) An absence may be excused if the religion to which
536 the compulsory-school-age child or the child's parents adheres,
537 requires or suggests the observance of a religious event. The
538 approval of the absence is within the discretion of the
539 superintendent of the school district, or his designee, but
540 approval should be granted unless the religion's observance is of
541 such duration as to interfere with the education of the child.

542 (h) An absence may be excused when it is demonstrated
543 to the satisfaction of the superintendent of the school district,
544 or his designee, that the purpose of the absence is to take
545 advantage of a valid educational opportunity such as travel,
546 including vacations or other family travel. Approval of the
547 absence must be gained from the superintendent of the school
548 district, or his designee, before the absence, but the approval
549 shall not be unreasonably withheld.

550 (i) An absence may be excused when it is demonstrated
551 to the satisfaction of the superintendent of the school district,
552 or his designee, that conditions are sufficient to warrant the
553 compulsory-school-age child's nonattendance. However, no absences
554 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)



580 calendar days after the first day of the school year of the public
581 school which the child is eligible to attend, or that the child
582 has accumulated twelve (12) unlawful absences during the school
583 year at the public school in which the child has been enrolled,
584 shall establish a prima facie case that the child's parent,
585 guardian or custodian is responsible for the absences and has
586 refused or willfully failed to perform the duties imposed upon him
587 or her under this section. However, no proceedings under this
588 section shall be brought against a parent, guardian or custodian
589 of a compulsory-school-age child unless the school attendance
590 officer has contacted promptly the home of the child and has
591 provided written notice to the parent, guardian or custodian of
592 the requirement for the child's enrollment or attendance.

593 (6) If a compulsory-school-age child has not been enrolled
594 in a school within fifteen (15) calendar days after the first day
595 of the school year of the school which the child is eligible to
596 attend or the child has accumulated five (5) unlawful absences
597 during the school year of the public school in which the child is
598 enrolled, the school district superintendent, or his designee,
599 shall report * * * within twenty-four (24) hours of the unlawful
600 absences to the school attendance officer. The * * * local school
601 district shall prescribe a uniform method for schools to utilize
602 in reporting the unlawful absences to the school attendance
603 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 * * * 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:



628 (a) Ensure school superintendents timely report
629 unlawful absences under the provisions of this section; and

630 (b) Sanction school districts that do not adhere to
631 said policy through findings of noncompliance on the monitoring
632 process.

633 (9) Notwithstanding any provision or implication herein to
634 the contrary, it is not the intention of this section to impair
635 the primary right and the obligation of the parent or parents, or
636 person or persons in loco parentis to a child, to choose the
637 proper education and training for such child, and nothing in this
638 section shall ever be construed to grant, by implication or
639 otherwise, to the State of Mississippi, * * * school attendance
640 officers, agencies or subdivisions any right or authority to
641 control, manage, supervise or make any suggestion as to the
642 control, management or supervision of any private or parochial
643 school or institution for the education or training of children,
644 of any kind whatsoever that is not a public school according to
645 the laws of this state; and this section shall never be construed
646 so as to grant, by implication or otherwise, any right or
647 authority to any state agency or other entity to control, manage,
648 supervise, provide for or affect the operation, management,
649 program, curriculum, admissions policy or discipline of any such
650 school or home instruction program.

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



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

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

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



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

SECTION 8. Section 37-15-31, Mississippi Code of 1972, is amended as follows:

37-15-31. (1) (a) Except as provided in subsections (2) through * * * (7) of this section, upon the petition in writing of a parent or guardian resident of the school district of an individual student filed or lodged with the president or secretary of the school board of a school district * * * to which the pupil * * * is seeking transfer, individual students living in one school district * * * may be legally transferred to another school district, * * * provided that the school board of the school district to which the transfer is sought consents * * * to receive the students seeking transfer, which such consent must be given in writing and spread upon the minutes of * * * the school board of the transferee school district.

(b) Upon receipt of such notice of petition for transfer, the school board of the transferee school district shall act on such request for transfer no later than sixty (60) days of receipt of the request by the transferee board, and a failure of such transferee board to act within such time shall constitute an approval of such request and approved enrollment by the school board of the transferee school district. If such a transfer is approved or denied by the school board of the transferee school



district, then such decision shall be final and binding for the duration of the scholastic year in which such decision was made.

(* * * c) * * * The transferee school district shall notify, in writing, the school district from which the pupil or pupils are transferring of the receipt of such transfer request within a reasonable period of time, and the school board of the transferor school district shall spread the same upon its minutes.

* * *

(* * * d) Any legal guardianship formed for the purpose of establishing residency for school district attendance purposes shall not be recognized by the affected school board.

(e) The legal transfer of a student under this subsection shall include a provision for the transportation of the student by either the parent or legal guardian of the student or the transferee school district, provided that the transferee school district does not violate the provision of Section 37-15-29(3), prohibiting the transportation of students in excess of thirty (30) miles from his or her home. In the absence of such a provision, the responsibility for transporting the student to the transferee school district shall be that of the parent or guardian.

(f) The provisions of this subsection (1) of this section shall not apply to school-age children whose parent(s) or legal guardian(s) are active members of the United States Armed Forces complying with Section 37-15-29(5).



726 (g) Athletic eligibility for a school-age child who
727 transfers to another school or school district pursuant to this
728 subsection shall be determined in accordance with rules and
729 regulations promulgated by the Mississippi High School Association
730 governing student eligibility for any athletic extracurricular
731 activities.

732 (2) (a) Upon the petition in writing of any parent or
733 guardian who is a resident of Mississippi and is an instructional
734 or licensed employee of a school district, but not a resident of
735 such district, the school board of the employer school district
736 shall consent to the transfer of such employee's dependent
737 school-age children to its district and shall spread the same upon
738 the minutes of the board. Upon the petition in writing of any
739 parent or guardian who is not a resident of Mississippi and who is
740 an instructional or licensed employee of a school district in
741 Mississippi, the school board of the employer school district
742 shall consent to the transfer of such employee's dependent
743 school-age children to its district and shall spread the same upon
744 the minutes of the board.

745 (b) The school board of any school district, in its
746 discretion, may adopt a uniform policy to allow the enrollment and
747 attendance of the dependent children of noninstructional and
748 nonlicensed employees, who are residents of Mississippi but are
749 not residents of their district. Such policy shall be based upon



the employment needs of the district, implemented according to job classification groups and renewed each school year.

(c) The employer transferee school district shall notify in writing the school district from which the pupil or pupils are transferring, and the school board of the transferor school district shall spread the same upon its minutes.

(d) Any such agreement by school boards for the legal transfer of a student shall include a provision providing for the transportation of the student. In the absence of such a provision the responsibility for transporting the student to the transferee school district shall be that of the parent or guardian.

(e) Any school district which accepts a student under the provisions of this subsection shall not assess any tuition fees upon such transferring student in accordance with the provisions of Section 37-19-27.

(3) Upon the petition in writing of any parent or legal guardian of a school-age child who is a resident of an adjacent school district residing in the geographical situation described in Section 37-15-29(3), the school board of the school district operating the school located in closer proximity to the residence of the child shall consent to the transfer of the child to its district, and shall spread the same upon the minutes of the board.

* * * The legal transfer of a student under this subsection shall include a provision for the transportation of the student by either the * * * parent or legal guardian or the student or the



transferee school district. * * * The responsibility for transporting the student to the transferee school district shall be that of the parent or guardian if the transferee school district does not agree in the consent of transfer, which shall be spread upon its minutes, to provide transportation for the student.

* * *

(* * *4) * * * Before September 1 of each year, the board of trustees of * * * a municipal separate school district shall certify to the State Department of Education the number of students in the added territory of the municipal separate school district who are transferred to the adjacent school district under this subsection. The municipal separate school district also shall certify the total number of students in the school district residing in the added territory plus the number of those students who are transferred to the adjacent school district. Based upon these figures, the department shall calculate the percentage of the total number of students in the added territory who are transferred to the adjacent school district and shall certify this percentage to the levying authority for the municipal separate school district. The levying authority shall remit to the school board of the adjacent school district, from the proceeds of the ad valorem taxes collected for the support of the municipal separate school district from the added territory of the municipal separate school district, an amount equal to the percentage of the total



number of students in the added territory who are transferred to the adjacent school district.

(5) The sibling(s) of any child lawfully transferred in accordance with this section, may also, at the discretion of their parent(s) or legal guardian(s), enroll and attend school in the transferee school district, subject to the provisions of this act. For purposes of this subsection, the term sibling includes any biological child, stepchild, adopted child, or foster child in temporary or permanent placement who resides in the same household of the parent or legal guardian who has a child lawfully transferred to another school district under the provisions of this section, provided that such sibling is transferred to the same school district as the previously transferred sibling. The transferee school district shall have the sole discretion to determine which school within the school district a student approved for transfer will be placed.

(6) (a) Each school district shall implement an enrollment options program as provided in this section. The local school board of each school district shall adopt policies, in its sole discretion, to govern the process for enrollment options pursuant to this section. The policies shall prohibit discrimination against any pupil on the basis of his residential address, ability, disability, race, ethnicity, sex or socioeconomic status. The policies shall be posted to the school district's website.



824 (b) In the development of its policies, each school
825 board shall prohibit an evaluation of whether a pupil should be
826 enrolled based upon the pupil's academic or athletic performance.
827 The local school board, in its sole discretion, shall calculate
828 the capacity for each school within the district in accordance
829 with subsection (8) of this section. School districts may employ
830 existing entrance criteria for specialized schools or programs if
831 the criteria are uniformly applied to all individuals submitting
832 transfer requests. This subsection shall not be construed to
833 prohibit school districts from using academic performance to
834 determine eligibility for, or placement in, programs for gifted
835 and talented pupils established under Section 37-23-179.

836 (7) For students transferring to a school district in which
837 the student does not reside, the State Department of Education
838 shall pay to the transferee school district (receiving school
839 district) to which the student is transferred an amount equal to
840 the total funding formula funds, allocated for each student
841 transferring to a school district outside his or her district of
842 residence. The amount of funds payable to the receiving school
843 district by the department must be based on the local school
844 district of residence's previous year's enrollment data,
845 determined by using months one (1) through nine (9) average daily
846 membership, as reported to the State Department of Education by
847 the transferor local school district. Any such payments made
848 under this subsection (5) by the State Department of Education to



a receiving school district must be made two (2) business days
prior to the last working day of each month. There shall be paid
to a receiving school district, by electronic funds transfer,
one-twelfth (1/12) of the funds to which the receiving school
district is entitled from funds appropriated for the adequate
education program fund, or any subsequent funding program which
replaces such program fund, for each child transferred to such
school district under the authority of this section. However, in
December those payments shall be made on December 15th or the next
business day after that date. If a student transfer occurs after
the start date of the scholastic year, the department shall not
make any distribution of payments to the receiving school district
until such time that the receiving school district certifies the
enrollment of the transfer student to the department, which shall
then only make payments to the receiving school district for such
student for the remainder of the scholastic year as a
proportionate share of the one-twelfth (1/12) of funds to which
the receiving school district is entitled.

(8) (a) In determining the capacity for each school within
the school district pursuant to subsection (6)(b) each school
district shall, in its sole discretion, determine the maximum
enrollment for each grade level for each school within the
district. The school district's enrollment options program,
including capacity and grade level enrollment levels, determined
by the school district shall be published on the school district's



website at a reasonable time before the start of the academic school year. The school district's decision on enrollment levels shall be final and binding.

(b) Not less than two (2) times during the school year, each school district shall publicly post on its website the capacity for each school within the school district as determined pursuant to subsection (6)(b) and the maximum enrollment for each grade level for each school as determined pursuant to paragraph (a) of this subsection. A school district that does not meet the minimum sample size necessary to prevent unlawful release of personally identifiable student data established pursuant to subsection (10) of this section is not subject to the publication requirements pursuant to this subsection.

(c) Not less than two (2) times during the school year, every school district shall report to the state reporting system the capacity for each school within the school district as determined pursuant to subsection (6)(b) and the maximum enrollment for each grade level for each school as determined pursuant to paragraph (a) of this subsection, the number of transfer requests, the number of accepted transferred pupils and the number of denied transfer requests.

(9) By August 1 of each year, the State Board of Education shall collect, analyze and publish to its website the capacity and transfer data from each school district from the previous year. The report shall include the number of participants, the number of



899 denied requests, and other relevant information. The board shall
900 also report this information to the Legislature no later than
901 December 31 of each year.

902 (10) The State Board of Education shall not publish or
903 release data of a school district if the number of students who
904 requested a transfer is less than the minimum sample size
905 necessary for prevention of the unlawful release of personally
906 identifiable student data. The board shall establish the minimum
907 number of students necessary to meet the requirements of this
908 subsection.

909 (11) The provisions of this section shall not supersede any
910 provision of an enforceable desegregation court order or a
911 court-approved desegregation plan.

912 (12) The receiving school district shall identify each
913 student it accepts into its district under the transfer authority
914 of this section and report that data to the State Department of
915 Education by category of student name, grade classification, grade
916 point average, gender and ethnicity. The department shall then
917 compile this data by district, redacting all personally
918 identifying information of students to prevent any FERPA
919 violations, and submit an annual report of this information to
920 each member of the Legislature.

921 **SECTION 9.** (1) There is established within the State
922 Treasury, a special fund to be designated as the "Student
923 Portability and Open Enrollment Fund." Monies in the fund shall



be expended by the State Department of Education, upon appropriation of the Legislature, for the purposes of paying the cost of the local portion of total funding formula base-student cost for the transferring student at the transferee district's rate, which shall be allocated to transferee school districts on a first-come, first-served basis. The Student Portability and Open Enrollment Fund shall consist of:

(a) Monies appropriated to or transferred into the fund by the Legislature, provided that such annual legislative appropriations or transfers into the fund shall not exceed Five Million Dollars (\$5,000,000.00);

(b) Monies transferred to the fund from the federal government, other state agencies or local governments;

(c) Any gifts, donations or grants made to the state for deposit in the fund;

(d) Monies collected for the fund from contributions to, or investment returns or assets of, the program or other monies collected by or for the program to the extent permitted under federal and state law; and

(e) Earnings on monies in the fund.

(2) The State Board of Education shall accept any grants, gifts, appropriations, or other monies from the state, any unit of federal, state or local government, or any other person, firm, partnership, corporation or other entity solely for deposit into the fund, whether for investment or administrative expenses.



949 (3) Unexpended amounts remaining in the Student Portability
950 and Open Enrollment Fund at the end of a fiscal year shall not
951 lapse into the State General Fund, and any interest earned or
952 investment earnings on amounts in the fund shall be deposited into
953 such fund.

954 **SECTION 10.** PEER shall complete a comprehensive report to
955 include, but not limited to, basic administration, education
956 function, demographics, fiscal impact of district and state
957 equity, and transparency in adopted policies which shall be
958 presented to the Legislature after one (1) year of implementation
959 of this act.

960 **SECTION 11.** This act shall take effect and be in force from
961 and after July 1, 2025.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTIONS 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 THAT THE STATE SUPERINTENDENT OF PUBLIC EDUCATION SHALL
6 EMPLOY SUFFICIENT STAFF FOR THE OFFICE, WHO SHALL MEET
7 QUALIFICATIONS ESTABLISHED BY THE SUPERINTENDENT WITH THE APPROVAL
8 OF THE STATE PERSONNEL BOARD, TO PROVIDE OVERSIGHT FOR THE
9 ENFORCEMENT OF THE MISSISSIPPI COMPULSORY SCHOOL ATTENDANCE LAW,
10 AND TO SUPPORT AND PROVIDE TECHNICAL ASSISTANCE AND PROFESSIONAL
11 DEVELOPMENT TO SCHOOL ATTENDANCE OFFICERS; TO TRANSFER THE
12 RESPONSIBILITY FOR EMPLOYING AND ESTABLISHING THE DUTIES OF SCHOOL
13 ATTENDANCE OFFICERS FROM THE STATE DEPARTMENT OF EDUCATION TO
14 LOCAL SCHOOL DISTRICTS; TO ABOLISH THE THREE REGIONAL SCHOOL
15 ATTENDANCE OFFICER SUPERVISOR POSITIONS; TO PROVIDE THAT SCHOOL
16 ATTENDANCE OFFICERS EMPLOYED BY THE STATE DEPARTMENT OF EDUCATION
17 ON JULY 1, 2025, SHALL BE TRANSFERRED TO EMPLOYMENT STATUS AS
18 EMPLOYEES OF THEIR RESPECTIVE SCHOOL DISTRICTS WITH WORK LOCATIONS



19 THEREIN AND SHALL ENFORCE ATTENDANCE AT CHARTER SCHOOLS LOCATED
20 WITHIN THE SCHOOL DISTRICT; TO PROVIDE FOR THE SHARING OF
21 ADMINISTRATIVE AND COSTS-SHARING RESPONSIBILITIES OF TWO OR MORE
22 SCHOOL DISTRICTS WHICH WERE SIMULTANEOUSLY SERVED BY THE SAME
23 SCHOOL ATTENDANCE OFFICER; TO PROVIDE FOR THE TRANSFER OF ANY
24 UNUSED ACCUMULATED LEAVE; TO REQUIRE THE STATE TO PROVIDE FUNDING
25 FOR ONE SCHOOL ATTENDANCE OFFICER FOR EVERY 3,000
26 COMPULSORY-SCHOOL-AGE CHILDREN IN ENROLLMENT IN THE PUBLIC SCHOOLS
27 OF A COUNTY; TO ESTABLISH THE MINIMUM SALARY OF NEWLY HIRED SCHOOL
28 ATTENDANCE OFFICERS BEGINNING JULY 1, 2025, AND AUTHORIZE LOCAL
29 SCHOOL BOARDS TO PAY ADDITIONAL COMPENSATION ABOVE THE MINIMUM
30 SALARY ON A SCALE ESTABLISHED BY THE LOCAL SCHOOL BOARD; TO
31 PROVIDE THAT SCHOOL ATTENDANCE OFFICERS SHALL NOT EXPERIENCE ANY
32 INTERRUPTION OF SERVICE WITH THE PUBLIC EMPLOYEES' RETIREMENT
33 SYSTEM AND THE SCHOOL EMPLOYEES' HEALTH INSURANCE PLAN AS A RESULT
34 OF THE TRANSFER OF EMPLOYMENT RESPONSIBILITY; TO REQUIRE THE STATE
35 DEPARTMENT OF EDUCATION AND THE MISSISSIPPI ASSOCIATION OF SCHOOL
36 SUPERINTENDENTS TO PROVIDE A JOINT REPORT ON THE STATUS AND
37 PROGRESS OF SCHOOL ATTENDANCE OFFICERS IN THEIR CAPACITY AS
38 EMPLOYEES OF LOCAL SCHOOL DISTRICTS AND THE FULFILLMENT OF THEIR
39 ASSIGNED DUTIES TO THE LEGISLATURE DURING THE 2027 REGULAR
40 SESSION; TO AMEND SECTIONS 37-13-91 AND 37-13-107, MISSISSIPPI
41 CODE OF 1972, IN CONFORMITY TO THE PRECEDING PROVISIONS; TO AMEND
42 SECTION 37-15-31, MISSISSIPPI CODE OF 1972, TO REMOVE THE
43 REQUIREMENT FOR THE SCHOOL BOARD OF THE SCHOOL DISTRICT OF A
44 CHILD'S RESIDENCE CONSENT TO THE RELEASE OF THE STUDENT FOR
45 TRANSFER TO ANOTHER SCHOOL DISTRICT; TO ONLY REQUIRE THAT THE
46 TRANSFEREE SCHOOL BOARD APPROVE OR REFUSE THE TRANSFER OF A
47 STUDENT UPON RECEIVING NOTICE AND OFFICIAL MEETING OF THE BOARD TO
48 ACT ON SUCH TRANSFER; TO AUTHORIZE THE SIBLINGS OF A LAWFULLY
49 TRANSFERRED STUDENT TO ENROLL IN THE TRANSFEREE SCHOOL DISTRICT AT
50 THE DISCRETION OF THEIR PARENT(S) OR LEGAL GUARDIAN(S); THAT A
51 TRANSFER STUDENT'S ATHLETIC ELIGIBILITY SHALL BE DETERMINED IN
52 ACCORDANCE WITH RULES AND REGULATIONS PROMULGATED BY MHSAA
53 GOVERNING STUDENT ELIGIBILITY TO PROVIDE FOR THE ALLOCATION AND
54 DISBURSEMENT OF FUNDS TO A RECEIVING SCHOOL DISTRICT UPON THE
55 COMPLETION AND CERTIFICATION OF A STUDENT TRANSFER REQUEST; TO
56 STIPULATE THAT A SCHOOL OR DISTRICT MAY NOT ACCEPT OR DENY
57 STUDENTS FOR TRANSFER BASED ON THE STUDENT'S ABILITY OR
58 DISABILITY; TO REQUIRE SCHOOL DISTRICTS TO PUBLISH THE NUMBER OF
59 AVAILABLE SEATS OPEN TO TRANSFERS WITHIN THE DISTRICT AND
60 INDIVIDUALIZED BY SCHOOL FACILITY; TO REQUIRE THE DISTRICT TO
61 PUBLISH SUCH INFORMATION AT A REASONABLE TIME BEFORE THE START OF
62 THE SCHOOL YEAR; TO REQUIRE DISTRICTS TO ADOPT AND PUBLISH THE
63 PROCESSES USED TO CHOOSE STUDENTS FOR TRANSFER; TO REQUIRE THE
64 STATE DEPARTMENT TO COLLECT AND PUBLISH STUDENT TRANSFER DATA,
65 CATEGORIZED BY ACCEPTANCE, DENIALS AND REASONS FOR DENIALS; TO
66 PROVIDE THAT TRANSFER AUTHORITY OF A DISTRICT TO RECEIVE OR DENY
67 THE ACCEPTANCE OF A STUDENT REQUESTING TRANSFER INTO THE DISTRICT
68 SHALL NOT SUPERSEDE ANY PROVISION OF AN ENFORCEABLE DESEGREGATION



69 ORDER OR A COURT-APPROVED DESEGREGATION PLAN; TO CREATE THE
70 STUDENT PORTABILITY AND OPEN ENROLLMENT FUND AS A SPECIAL FUND IN
71 THE STATE TREASURY; TO PROVIDE THAT MONIES IN THE FUND SHALL BE
72 EXPENDED BY THE STATE DEPARTMENT OF EDUCATION, UPON APPROPRIATION
73 OF THE LEGISLATURE, FOR THE PURPOSE OF PAYING THE COST OF THE
74 STATE PORTION OF TOTAL FUNDING FORMULA BASE-STUDENT COST FOR THE
75 TRANSFERRING STUDENT AT THE TRANSFEREE DISTRICT'S RATE; AND FOR
76 RELATED PURPOSES.

