

By: Representative Aldridge

To: Education

## HOUSE BILL NO. 473

1 AN ACT TO REQUIRE PUBLIC SCHOOLS TO PERMIT THE TEMPORARY  
2 ABSENCE FROM SCHOOL OF A STUDENT WHO HAS BEEN DIAGNOSED WITH  
3 DYSLEXIA FOR THE PURPOSE OF RECEIVING PROFESSIONAL REMEDIATION  
4 SERVICES RELATING TO THE STUDENT'S DYSLEXIA, TO REQUIRE SUCH  
5 STUDENTS TO PROVIDE ADVANCE NOTICE AND WRITTEN EVIDENCE OF SUCH  
6 REMEDIATION SESSIONS, TO REQUIRE STUDENTS TO MAKE UP ANY SCHOOL  
7 WORK AND TESTS MISSED DUE TO THE STUDENT'S ABSENCE, AND TO REQUIRE  
8 TEACHERS TO COOPERATE WITH STUDENTS IN SCHEDULING MISSED SCHOOL  
9 WORK AND TESTS; TO AMEND SECTION 37-13-91, MISSISSIPPI CODE OF  
10 1972, TO PROVIDE THAT THE ABSENCE OF A DYSLEXIC STUDENT FROM  
11 SCHOOL DUE TO THE STUDENT'S PARTICIPATION IN A SCHEDULED SESSION  
12 FOR PROFESSIONAL REMEDIATION SERVICES RELATING TO THE STUDENT'S  
13 DYSLEXIA IS EXCUSED UNDER THE MISSISSIPPI COMPULSORY SCHOOL  
14 ATTENDANCE LAW; AND FOR RELATED PURPOSES.

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

16 **SECTION 1.** (1) Upon the request of a parent, guardian or  
17 legal custodian of a student who has been diagnosed with dyslexia,  
18 the administration of a public school shall permit the temporary  
19 absence of the student during the school day so that the student  
20 may receive professional remediation services relating to the  
21 student's dyslexia from an approved academic learning center,  
22 dyslexia tutoring services provider or a certified language  
23 therapist. In order for the student's absence to be excused, the  
24 student must provide advance notice to the school of a dyslexia  
25 remediation session scheduled during a school day, and upon the  
26 student's return to school, the student must present written  
27 documentation from the service provider evidencing the student's  
28 presence at the session during the stated time. The student may  
29 not be released from the school to attend a session unless the  
30 student's parent, guardian or legal custodian withdraws the  
31 student in accordance with the school's early dismissal procedure.

32 (2) Any student who is temporarily excused from school for  
33 purposes authorized under subsection (1) of this section must be

34 allowed to complete all lessons and assignments, including tests,  
35 missed due to the student's absence. The student's teacher must  
36 cooperate with the student in scheduling the submission of make-up  
37 work and tests; however, students are encouraged to complete such  
38 work as promptly as possible to avoid any negative impact on the  
39 student's grades due to the student's absence from school.

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

42 37-13-91. (1) This section shall be referred to as the  
43 "Mississippi Compulsory School Attendance Law."

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

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

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

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

55 (d) "School day" means not less than five (5) and not  
56 more than eight (8) hours of actual teaching in which both  
57 teachers and pupils are in regular attendance for scheduled  
58 schoolwork.

59 (e) "School" means any public school in this state or  
60 any nonpublic school in this state which is in session each school  
61 year for at least one hundred eighty (180) school days, except  
62 that the "nonpublic" school term shall be the number of days that  
63 each school shall require for promotion from grade to grade.

64 (f) "Compulsory-school-age child" means a child who has  
65 attained or will attain the age of six (6) years on or before  
66 September 1 of the calendar year and who has not attained the age

67 of seventeen (17) years on or before September 1 of the calendar  
68 year; and shall include any child who has attained or will attain  
69 the age of five (5) years on or before September 1 and has  
70 enrolled in a full-day public school kindergarten program.  
71 Provided, however, that the parent or guardian of any child  
72 enrolled in a full-day public school kindergarten program shall be  
73 allowed to disenroll the child from the program on a one-time  
74 basis, and such child shall not be deemed a compulsory-school-age  
75 child until the child attains the age of six (6) years.

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

78 (h) "Appropriate school official" means the  
79 superintendent of the school district, or his designee, or, in the  
80 case of a nonpublic school, the principal or the headmaster.

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

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

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

96 (b) When a compulsory-school-age child is enrolled in  
97 and pursuing a course of special education, remedial education or  
98 education for handicapped or physically or mentally disadvantaged  
99 children.

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

102           The parent, guardian or custodian of a compulsory-school-age  
103 child described in this subsection, or the parent, guardian or  
104 custodian of a compulsory-school-age child attending any nonpublic  
105 school, or the appropriate school official for any or all children  
106 attending a nonpublic school shall complete a "certificate of  
107 enrollment" in order to facilitate the administration of this  
108 section.

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

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

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

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

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

126           The certificate of enrollment shall be returned to the school  
127 attendance officer where the child resides on or before September  
128 15 of each year. Any parent, guardian or custodian found by the  
129 school attendance officer to be in noncompliance with this section  
130 shall comply, after written notice of the noncompliance by the  
131 school attendance officer, with this subsection within ten (10)  
132 days after the notice or be in violation of this section.

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

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

144 (4) An "unlawful absence" is an absence during a school day  
145 by a compulsory-school-age child, which absence is not due to a  
146 valid excuse for temporary nonattendance. Days missed from school  
147 due to disciplinary suspension shall not be considered an  
148 "excused" absence under this section. This subsection shall not  
149 apply to children enrolled in a nonpublic school.

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

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

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

164 (c) An absence is excused when isolation of a  
165 compulsory-school-age child is ordered by the county health

166 officer, by the State Board of Health or appropriate school  
167 official.

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

174 (e) An absence is excused when it results from a  
175 medical or dental appointment of a compulsory-school-age child  
176 where an approval of the superintendent of the school district, or  
177 his designee, is gained before the absence, except in the case of  
178 emergency.

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

183 (g) An absence is excused for a compulsory-school-age  
184 child who is diagnosed with dyslexia when the absence results from  
185 the child's attendance at a scheduled session for professional  
186 remediation services relating to the child's dyslexia, as  
187 authorized under Section 1 of House Bill No. \_\_\_\_\_, 2007 Regular  
188 Session.

189 (h) An absence may be excused if the religion to which  
190 the compulsory-school-age child or the child's parents adheres,  
191 requires or suggests the observance of a religious event. The  
192 approval of the absence is within the discretion of the  
193 superintendent of the school district, or his designee, but  
194 approval should be granted unless the religion's observance is of  
195 such duration as to interfere with the education of the child.

196 (i) An absence may be excused when it is demonstrated  
197 to the satisfaction of the superintendent of the school district,  
198 or his designee, that the purpose of the absence is to take

199 advantage of a valid educational opportunity such as travel,  
200 including vacations or other family travel. Approval of the  
201 absence must be gained from the superintendent of the school  
202 district, or his designee, before the absence, but the approval  
203 shall not be unreasonably withheld.

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

211           (5) Any parent, guardian or custodian of a  
212 compulsory-school-age child subject to this section who refuses or  
213 willfully fails to perform any of the duties imposed upon him or  
214 her under this section or who intentionally falsifies any  
215 information required to be contained in a certificate of  
216 enrollment, shall be guilty of contributing to the neglect of a  
217 child and, upon conviction, shall be punished in accordance with  
218 Section 97-5-39.

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

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

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

249 (7) When a school attendance officer has made all attempts  
250 to secure enrollment and/or attendance of a compulsory-school-age  
251 child and is unable to effect the enrollment and/or attendance,  
252 the attendance officer shall file a petition with the youth court  
253 under Section 43-21-451 or shall file a petition in a court of  
254 competent jurisdiction as it pertains to parent or child.  
255 Sheriffs, deputy sheriffs and municipal law enforcement officers  
256 shall be fully authorized to investigate all cases of  
257 nonattendance and unlawful absences by compulsory-school-age  
258 children, and shall be authorized to file a petition with the  
259 youth court under Section 43-21-451 or file a petition or  
260 information in the court of competent jurisdiction as it pertains  
261 to parent or child for violation of this section. The youth court  
262 shall expedite a hearing to make an appropriate adjudication and a  
263 disposition to ensure compliance with the Compulsory School  
264 Attendance Law, and may order the child to enroll or re-enroll in



265 school. The superintendent of the school district to which the  
266 child is ordered may assign, in his discretion, the child to the  
267 alternative school program of the school established pursuant to  
268 Section 37-13-92.

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

273 (9) Notwithstanding any provision or implication herein to  
274 the contrary, it is not the intention of this section to impair  
275 the primary right and the obligation of the parent or parents, or  
276 person or persons in loco parentis to a child, to choose the  
277 proper education and training for such child, and nothing in this  
278 section shall ever be construed to grant, by implication or  
279 otherwise, to the State of Mississippi, any of its officers,  
280 agencies or subdivisions any right or authority to control,  
281 manage, supervise or make any suggestion as to the control,  
282 management or supervision of any private or parochial school or  
283 institution for the education or training of children, of any kind  
284 whatsoever that is not a public school according to the laws of  
285 this state; and this section shall never be construed so as to  
286 grant, by implication or otherwise, any right or authority to any  
287 state agency or other entity to control, manage, supervise,  
288 provide for or affect the operation, management, program,  
289 curriculum, admissions policy or discipline of any such school or  
290 home instruction program.

291 **SECTION 3.** This act shall take effect and be in force from  
292 and after July 1, 2007.