

By: Representatives Owen, Yates

To: Education

HOUSE BILL NO. 73
(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 AND REPLACE THOSE POSITIONS WITH
11 REGIONAL COORDINATORS WHO SHALL BE RESPONSIBLE FOR ENFORCEMENT OF
12 THE MISSISSIPPI COMPULSORY SCHOOL ATTENDANCE LAW WITHIN THEIR
13 REGION; TO PROVIDE THAT THE STATE SUPERINTENDENT OF PUBLIC
14 EDUCATION SHALL SET THE SALARY OF REGIONAL COORDINATORS; TO
15 PROVIDE THAT REGIONAL COORDINATORS SHALL BE COMPENSATED AT THE
16 SAME SALARY RECEIVED FOR FISCAL YEAR 2024 RATE PLUS AN ADDITIONAL
17 25%; TO CLARIFY THE MINIMUM QUALIFICATIONS NECESSARY FOR SCHOOL
18 ATTENDANCE OFFICERS AND REMOVE THE REQUIREMENT OF THE STATE
19 PERSONNEL BOARD TO ESTABLISH ADDITIONAL QUALIFICATIONS FOR SCHOOL
20 ATTENDANCE OFFICERS; TO PROVIDE THAT SCHOOL ATTENDANCE OFFICERS
21 EMPLOYED BY THE STATE DEPARTMENT OF EDUCATION ON JULY 1, 2024,
22 SHALL BE TRANSFERRED TO EMPLOYMENT STATUS AS EMPLOYEES OF THEIR
23 RESPECTIVE SCHOOL DISTRICTS WITH WORK LOCATIONS THEREIN AND SHALL
24 ENFORCE ATTENDANCE AT CHARTER SCHOOLS LOCATED WITHIN THE SCHOOL
25 DISTRICT; TO PROVIDE FOR THE SHARING OF ADMINISTRATIVE AND COSTS
26 SHARING RESPONSIBILITIES OF TWO OR MORE SCHOOL DISTRICTS WHICH
27 WERE SIMULTANEOUSLY SERVED BY THE SAME SCHOOL ATTENDANCE OFFICER;
28 TO PROVIDE FOR THE TRANSFER OF ANY UNUSED ACCUMULATED LEAVE; TO
29 REQUIRE THE STATE TO PROVIDE FUNDING FOR ONE SCHOOL ATTENDANCE
30 OFFICER FOR EVERY 3,000 COMPULSORY-SCHOOL-AGE CHILDREN IN
31 ENROLLMENT IN THE PUBLIC SCHOOLS OF A COUNTY; TO ESTABLISH THE
32 MINIMUM SALARY OF NEWLY HIRED SCHOOL ATTENDANCE OFFICERS BEGINNING
33 JULY 1, 2024, AND AUTHORIZE LOCAL SCHOOL BOARDS TO PAY ADDITIONAL
34 COMPENSATION ABOVE THE MINIMUM SALARY ON A SCALE ESTABLISHED BY



35 THE LOCAL SCHOOL BOARD; TO PROVIDE THAT SCHOOL ATTENDANCE OFFICERS
36 TRANSFERRED TO THE LOCAL SCHOOL DISTRICT FROM THE STATE DEPARTMENT
37 OF EDUCATION SHALL BE COMPENSATED AT THE SAME SALARY RECEIVED
38 FISCAL YEAR 2024 RATE PLUS AN ADDITIONAL 25%; TO PROVIDE THAT
39 SCHOOL ATTENDANCE OFFICERS SHALL NOT EXPERIENCE ANY INTERRUPTION
40 OF SERVICE WITH THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE
41 SCHOOL EMPLOYEES' HEALTH INSURANCE PLAN AS A RESULT OF THE
42 TRANSFER OF EMPLOYMENT RESPONSIBILITY; TO REQUIRE THE STATE
43 DEPARTMENT OF EDUCATION AND THE MISSISSIPPI ASSOCIATION OF SCHOOL
44 SUPERINTENDENTS TO SUBMIT A REPORT TO THE LEGISLATURE ON THE
45 STATUS AND PROGRESS OF SCHOOL ATTENDANCE OFFICERS AS EMPLOYEES OF
46 THE LUNCH SCHOOL DISTRICT; TO AMEND SECTION 37-13-107, MISSISSIPPI
47 CODE OF 1972, IN CONFORMITY TO THE PRECEDING PROVISIONS; TO AMEND
48 SECTION 37-13-91, MISSISSIPPI CODE OF 1972, TO REQUIRE THE LOCAL
49 SCHOOL DISTRICT TO REPORT ANY UNEXCUSED ABSENCE OF A STUDENT TO
50 THE SCHOOL ATTENDANCE OFFICER WITHIN 24 HOURS OF THE ABSENCE; AND
51 FOR RELATED PURPOSES.

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

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

55 37-13-81. There is created the Office of Compulsory School
56 Attendance Enforcement * * * and Dropout Prevention * * * within
57 the State Department of Education. The office shall be
58 responsible for the administration of a statewide system of
59 enforcement of the Mississippi Compulsory School Attendance Law
60 (Section 37-13-91) * * *.

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

63 37-13-83. The State Superintendent of Public Education shall
64 appoint * * * an executive director for the Office of Compulsory
65 School Attendance Enforcement and Dropout Prevention, who shall
66 meet all qualifications established for * * * regional
67 coordinators and any additional qualifications that may be
68 established by the State Superintendent of Public Education or



69 State Personnel Board. The executive director shall be
70 responsible for the proper administration of the Office of
71 Compulsory School Attendance Enforcement and Dropout Prevention in
72 conformity with the Mississippi Compulsory School Attendance Law
73 and any other regulations or policies that may be adopted by the
74 State Board of Education. * * *

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

77 37-13-85. The Office of Compulsory School Attendance
78 Enforcement and Dropout Prevention shall have the following powers
79 and duties, in addition to all others imposed or granted by law:

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

85 (b) To * * * provide oversight and assistance to
86 regional coordinators in the performance of their duties;

87 (c) To establish minimum standards for enrollment and
88 attendance for the state and each individual school district, and
89 to monitor the success of the state and districts in achieving the
90 required levels of performance;

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



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

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

105 (g) To prepare the form of the certificate of
106 enrollment required under the Mississippi Compulsory School
107 Attendance Law and to furnish a sufficient number of the
108 certificates of enrollment to each school attendance officer in
109 the state;

110 (h) To provide to the State Board of Education
111 statistical information concerning absenteeism, dropouts and other
112 attendance-related problems as requested by the State Board of
113 Education;

114 (i) To provide for the certification of school
115 attendance officers;

116 (j) To provide for a course of training and education
117 for school attendance officers, and to require successful



118 completion of the course as a prerequisite to certification by the
119 office as school attendance officers;

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

125 * * *

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

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

135 (n) To transfer all funds appropriated to the State
136 Department of Education for school attendance officers to local
137 school district on the same schedule as MAEP disbursements in
138 accordance with Section 37-151-103.

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

141 37-13-87. (1) The Executive Director of the Office of
142 Compulsory School Attendance Enforcement and Dropout Prevention



143 shall employ * * * regional coordinators, each * * * of whom shall
144 be responsible for the enforcement of the Mississippi Compulsory
145 School Attendance Law within his * * * or her region and
146 shall * * * support and provide technical assistance and
147 professional development to the school attendance officers in
148 the * * * region. The * * * regional coordinators shall assist
149 the school attendance officers in the performance of their duties
150 as established by law or otherwise. The regional coordinators may
151 also perform any such other duties within the Office of Compulsory
152 School Attendance Enforcement and Dropout Prevention as may be
153 assigned by the State Superintendent of Public Education.

154 (2) No person having less than eight (8) years combined
155 actual experience as a school attendance officer, school teacher,
156 school administrator, law enforcement officer possessing a college
157 degree with a major in a behavioral science or a related field,
158 and/or social worker in the state shall be employed as a * * *
159 regional coordinator. Further, a * * * regional coordinator shall
160 possess a college degree with a major in a behavioral science or a
161 related field or shall have actual experience as a school teacher,
162 school administrator, law enforcement officer possessing such
163 degree or social worker; however, these requirements shall not
164 apply to persons employed as school attendance officers before
165 January 1, 1987. * * * The * * * regional coordinators shall
166 receive an annual salary to be set by the State Superintendent of
167 Public Education, provided that each regional coordinator employed



168 by the State Department of Education on June 30, 2024, shall be
169 compensated at the annual salary rate established for such
170 position during the 2024 fiscal year plus an additional
171 twenty-five percent (25%), subject to the approval of the State
172 Personnel Board.

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

175 37-13-89. (1) (a) In each school district within the
176 state, there shall be employed the number of school attendance
177 officers determined by the local school district, in consultation
178 with the Office of Compulsory School Attendance Enforcement and
179 Dropout Prevention to be necessary to adequately enforce the
180 provisions of the Mississippi Compulsory School Attendance
181 Law * * *. In any school district where charter schools operate,
182 the school district's school attendance officer shall also enforce
183 the provisions of the Mississippi Compulsory School Attendance Law
184 for those charter schools. From and after July 1, * * * 2024, all
185 school attendance officers employed pursuant to this section shall
186 be employees of the * * * local school district. * * * Local
187 school districts shall employ all persons employed as school
188 attendance officers by * * * the State Department of Education
189 before July 1, * * * 2024, and shall assign them to school
190 attendance responsibilities in the school district in which they
191 were employed before July 1, * * * 2024. * * *



192 (b) If a school attendance officer employed by the
193 State Department of Education performed services in two (2) or
194 more school districts during the 2023-2024 school year, that
195 school attendance officer shall continue to serve the same two (2)
196 or more school districts for the 2024-2025 school year. For
197 purposes of employment, the school attendance officer shall be
198 assigned to the school district with the largest student
199 enrollment, and that school district shall serve as the fiscal
200 agent, with funding shared with the partnering districts.
201 Effective on July 1, 2025, if two (2) or more school districts
202 fall below a certain number of students enrolled, to be determined
203 by the State Department of Education, or are only provided funding
204 for one-half (1/2) of the salary of the school attendance officer,
205 those school districts are authorized, in the discretion of their
206 respective local school board, to enter into an agreement for the
207 purposes of sharing a school attendance officer. The agreement
208 shall designate which district shall serve as the fiscal agent and
209 the mutually agreed upon salary for the school attendance officer.
210 The agreement shall be duly adopted by resolution of the
211 participating school boards as reflected in the minutes of each
212 school board and approved by the Office of Compulsory School
213 Attendance Enforcement and Dropout Prevention.

214 (2) (a) The * * * local school districts shall * * *
215 conduct criminal records background checks and current child abuse
216 registry checks on all persons applying for the position of school



217 attendance officer after July * * * 1, 2024. The criminal records
218 information and registry checks must be kept on file for any new
219 hires. * * * To determine an applicant's suitability for
220 employment as a school attendance officer, the applicant must be
221 fingerprinted. If no disqualifying record is identified at the
222 state level, the Department of Public Safety shall forward the
223 fingerprints to the Federal Bureau of Investigation (FBI) for a
224 national criminal history record check. The applicant shall pay
225 the fee, not to exceed Fifty Dollars (\$50.00), for the
226 fingerprinting and criminal records background check; however,
227 the * * * local school district, in its discretion, may pay the
228 fee for the fingerprinting and criminal records background check
229 on behalf of any applicant. Under no circumstances may a member
230 of the * * * local school board of trustees, employee of the * * *
231 local school district or any person other than the subject of the
232 criminal records background check disseminate information received
233 through any such checks except insofar as required to fulfill the
234 purposes of this subsection.

235 (b) If the fingerprinting or criminal records check
236 discloses a felony conviction, guilty plea or plea of nolo
237 contendere to a felony of possession or sale of drugs, murder,
238 manslaughter, armed robbery, rape, sexual battery, sex offense
239 listed in Section 45-33-23(h), child abuse, arson, grand larceny,
240 burglary, gratification of lust or aggravated assault which has
241 not been reversed on appeal or for which a pardon has not been



242 granted, the applicant is not eligible to be employed as a school
243 attendance officer. Any employment of an applicant pending the
244 results of the fingerprinting and criminal records check is
245 voidable if the new hire receives a disqualifying criminal records
246 check. However, the * * * local school board, in its discretion,
247 may allow an applicant aggrieved by an employment decision under
248 this subsection to appear before the board, or before a hearing
249 officer designated for that purpose, to show mitigating
250 circumstances that may exist and allow the new hire to be employed
251 as a school attendance officer. The * * * local school board may
252 grant waivers for mitigating circumstances, which may include, but
253 are not necessarily limited to:

- 254 (i) Age at which the crime was committed;
- 255 (ii) Circumstances surrounding the crime;
- 256 (iii) Length of time since the conviction and
257 criminal history since the conviction;
- 258 (iv) Work history;
- 259 (v) Current employment and character references;

260 and

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

265 (c) * * * No local school district, school district
266 employee, member of the State Board of Education or employee of a a



267 school under the purview of the State * * * Board of
268 Education * * * shall be held liable in any employment
269 discrimination suit in which an allegation of discrimination is
270 made regarding an employment decision authorized under this
271 section.

272 (3) Each school attendance officer shall possess a college
273 degree with a major in a behavioral science or a related field or
274 shall have no less than three (3) years combined actual experience
275 as a school teacher, school administrator, law enforcement officer
276 possessing such degree, and/or social worker; however, these
277 requirements shall not apply to persons employed as school
278 attendance officers before January 1, 1987. School attendance
279 officers also shall satisfy any additional requirements that may
280 be established by the * * * hiring local school district.

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

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

286 (b) Cooperate with all courts of competent
287 jurisdiction;

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



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

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

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

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

313 (h) Collect and maintain information concerning
314 absenteeism, dropouts and other attendance-related problems, as
315 may be required by law, the local school district or the Office of



316 Compulsory School Attendance Enforcement and Dropout Prevention;
317 and

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

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

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

331 (* * *7) The * * *salary * * * for school attendance
332 officers * * * shall be based upon factors including, but not
333 limited to, education, professional certification and licensure,
334 and number of years of experience. School attendance must meet
335 the minimum requirements as identified in subsection (3) of this
336 section. Effective July 1, 2024, any newly hired school
337 attendance officers shall be paid * * * a minimum salary * * * of
338 Thirty Thousand Dollars (\$30,000.00). Local school districts may
339 pay additional compensation above the minimum salary on a schedule
340 established by the local school board. * * *



341 * * *

342 (* * *8) * * * Each school attendance officer employed by
343 the State Department of Education on June 30, 2024, shall be
344 transferred from state services under the authority of the State
345 Personnel Board to employment status as an employee of the
346 respective school district of assignment and shall be paid at the
347 salary established for the 2024 fiscal year plus an additional
348 twenty-five percent (25%). Each school attendance officer shall
349 have a work location within the school district they serve. Each
350 school attendance officer who became an employee of the local
351 school district on July 1, 2024, shall have no interruption of
352 service with the Public Employees' Retirement System and the State
353 and School Employees' Health Insurance Plan. Any unused leave
354 accumulated in state-service employment with the State Department
355 of Education shall be transferred in accordance with the provision
356 of Section 37-7-307, unless otherwise provided.

357 * * *

358 (* * *9) * * * School attendance officers shall maintain
359 regular office hours on a year-round basis as determined by the
360 local school district of employment * * *. However, during the
361 school term, on those days that teachers in all of the school
362 districts served by a school attendance officer are not required
363 to report to work, the school attendance officer also shall not be
364 required to report to work. (For purposes of this subsection, a
365 school district's school term is that period of time identified as



366 the school term in contracts entered into by the district with
367 licensed personnel.) A school attendance officer shall be
368 required to report to work on any day recognized as an official
369 state holiday if teachers in any school district served by that
370 school attendance officer are required to report to work on that
371 day * * *.

372 * * *

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

377 (11) The State Department of Education and the Mississippi
378 Association of School Superintendents shall provide a joint report
379 on the status and progress of school attendance officers in their
380 capacity as employees of local school districts and the
381 fulfillment of their assigned duties and obligations to the
382 Legislature for review and consideration during the 2026 Regular
383 Session.

384 **SECTION 6.** Section 37-13-91, Mississippi Code of 1972, is
385 amended as follows:

386 37-13-91. (1) This section shall be referred to as the
387 "Mississippi Compulsory School Attendance Law."

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



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

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

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

399 (d) "School day" means not less than five and one-half
400 (5-1/2) and not more than eight (8) hours of actual teaching in
401 which both teachers and pupils are in regular attendance for
402 scheduled schoolwork.

403 (e) "School" means any public school, including a
404 charter school, in this state or any nonpublic school in this
405 state which is in session each school year for at least one
406 hundred eighty (180) school days, except that the "nonpublic"
407 school term shall be the number of days that each school shall
408 require for promotion from grade to grade.

409 (f) "Compulsory-school-age child" means a child who has
410 attained or will attain the age of six (6) years on or before
411 September 1 of the calendar year and who has not attained the age
412 of seventeen (17) years on or before September 1 of the calendar
413 year; and shall include any child who has attained or will attain



414 the age of five (5) years on or before September 1 and has
415 enrolled in a full-day public school kindergarten program.

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

421 (h) "Appropriate school official" means the
422 superintendent of the school district, or his designee, or, in the
423 case of a nonpublic school, the principal or the headmaster.

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

430 (j) "Regional coordinator" refers to the regional
431 coordinators who exercise oversight and provide technical
432 assistance to school attendance officers in a geographical region.
433 Each regional coordinator shall be employed by the State
434 Department of Education.

435 (3) A parent, guardian or custodian of a
436 compulsory-school-age child in this state shall cause the child to
437 enroll in and attend a public school or legitimate nonpublic



438 school for the period of time that the child is of compulsory
439 school age, except under the following circumstances:

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

444 (b) When a compulsory-school-age child is enrolled in
445 and pursuing a course of special education, remedial education or
446 education for handicapped or physically or mentally disadvantaged
447 children.

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

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

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

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



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

465 (iii) The local public school district where the
466 compulsory-school-age child resides;

467 (* * *iv) A simple description of the type of
468 education the compulsory-school-age child is receiving and, if the
469 child is enrolled in a nonpublic school, the name and address of
470 the school; and

471 (* * *y) The signature of the parent, guardian or
472 custodian of the compulsory-school-age child or, for any or all
473 compulsory-school-age child or children attending a charter school
474 or nonpublic school, the signature of the appropriate school
475 official and the date signed.

476 The certificate of enrollment shall be returned to the school
477 attendance officer that serves the local public school district
478 where the child resides on or before September 15 of each year.
479 Any parent, guardian or custodian found by the school attendance
480 officer to be in noncompliance with this section shall comply,
481 after written notice of the noncompliance by the school attendance
482 officer, with this subsection within ten (10) days after the
483 notice or be in violation of this section. However, in the event
484 the child has been enrolled in a public school within fifteen (15)
485 calendar days after the first day of the school year as required
486 in subsection (6), the parent or custodian may, at a later date,
487 enroll the child in a legitimate nonpublic school or legitimate



488 home instruction program and send the certificate of enrollment to
489 the school attendance officer and be in compliance with this
490 subsection.

491 For the purposes of this subsection, a legitimate nonpublic
492 school or legitimate home instruction program shall be those not
493 operated or instituted for the purpose of avoiding or
494 circumventing the compulsory attendance law.

495 (4) An "unlawful absence" is an absence for an entire school
496 day or during part of a school day by a compulsory-school-age
497 child, which absence is not due to a valid excuse for temporary
498 nonattendance. For purposes of reporting absenteeism under
499 subsection (6) of this section, if a compulsory-school-age child
500 has an absence that is more than thirty-seven percent (37%) of the
501 instructional day, as fixed by the school board for the school at
502 which the compulsory-school-age child is enrolled, the child must
503 be considered absent the entire school day. Days missed from
504 school due to disciplinary suspension shall not be considered an
505 "excused" absence under this section. This subsection shall not
506 apply to children enrolled in a nonpublic school.

507 Each of the following shall constitute a valid excuse for
508 temporary nonattendance of a compulsory-school-age child enrolled
509 in a noncharter public school, provided satisfactory evidence of
510 the excuse is provided to the superintendent of the school
511 district, or his designee:



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

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

521 (c) An absence is excused when isolation of a
522 compulsory-school-age child is ordered by the county health
523 officer, by the State Board of Health or appropriate school
524 official.

525 (d) An absence is excused when it results from the
526 death or serious illness of a member of the immediate family of a
527 compulsory-school-age child. The immediate family members of a
528 compulsory-school-age child shall include children, spouse,
529 grandparents, parents, brothers and sisters, including
530 stepbrothers and stepsisters.

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

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



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

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

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

559 (j) An absence is excused when it results from the
560 attendance of a compulsory-school-age child participating in
561 official organized events sponsored by the 4-H or Future Farmers



562 of America (FFA). The excuse for the 4-H or FFA event must be
563 provided in writing to the appropriate school superintendent by
564 the Extension Agent or High School Agricultural Instructor/FFA
565 Advisor.

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

570 (5) Any parent, guardian or custodian of a
571 compulsory-school-age child subject to this section who refuses or
572 willfully fails to perform any of the duties imposed upon him or
573 her under this section or who intentionally falsifies any
574 information required to be contained in a certificate of
575 enrollment, shall be guilty of contributing to the neglect of a
576 child and, upon conviction, shall be punished in accordance with
577 Section 97-5-39.

578 Upon prosecution of a parent, guardian or custodian of a
579 compulsory-school-age child for violation of this section, the
580 presentation of evidence by the prosecutor that shows that the
581 child has not been enrolled in school within eighteen (18)
582 calendar days after the first day of the school year of the public
583 school which the child is eligible to attend, or that the child
584 has accumulated twelve (12) unlawful absences during the school
585 year at the public school in which the child has been enrolled,
586 shall establish a prima facie case that the child's parent,



587 guardian or custodian is responsible for the absences and has
588 refused or willfully failed to perform the duties imposed upon him
589 or her under this section. However, no proceedings under this
590 section shall be brought against a parent, guardian or custodian
591 of a compulsory-school-age child unless the school attendance
592 officer has contacted promptly the home of the child and has
593 provided written notice to the parent, guardian or custodian of
594 the requirement for the child's enrollment or attendance.

595 (6) If a compulsory-school-age child has not been enrolled
596 in a school within fifteen (15) calendar days after the first day
597 of the school year of the school which the child is eligible to
598 attend or *** upon any occurrence of unexcused absences during
599 the school year of the public school in which the child is
600 enrolled, the school district superintendent, or his designee,
601 shall report *** within *** twenty-four (24) hours of the
602 unexcused absences the absences to the school attendance officer.
603 The *** local school district shall prescribe a uniform method
604 for schools to utilize in reporting the unlawful absences to the
605 school attendance officer. The superintendent, or his designee,
606 also shall report any student suspensions or student expulsions to
607 the school attendance officer when they occur.

608 (7) When a school attendance officer has made all attempts
609 to secure enrollment and/or attendance of a compulsory-school-age
610 child and is unable to *** verify the enrollment and/or
611 attendance, the attendance officer shall file a petition with the



612 youth court under Section 43-21-451 or shall file a petition in a
613 court of competent jurisdiction as it pertains to parent or child.
614 Sheriffs, deputy sheriffs and municipal law enforcement officers
615 shall be fully authorized to investigate all cases of
616 nonattendance and unlawful absences by compulsory-school-age
617 children, and shall be authorized to file a petition with the
618 youth court under Section 43-21-451 or file a petition or
619 information in the court of competent jurisdiction as it pertains
620 to parent or child for violation of this section. The youth court
621 shall expedite a hearing to make an appropriate adjudication and a
622 disposition to ensure compliance with the Compulsory School
623 Attendance Law, and may order the child to enroll or re-enroll in
624 school. The superintendent of the school district to which the
625 child is ordered may assign, in his discretion, the child to the
626 alternative school program of the school established pursuant to
627 Section 37-13-92.

628 (8) The State Board of Education shall adopt rules and
629 regulations * * * to sanction school districts that do not adhere
630 to said policy through findings of noncompliance on the monitoring
631 process.

632 (9) Notwithstanding any provision or implication herein to
633 the contrary, it is not the intention of this section to impair
634 the primary right and the obligation of the parent or parents, or
635 person or persons in loco parentis to a child, to choose the
636 proper education and training for such child, and nothing in this



637 section shall ever be construed to grant, by implication or
638 otherwise, to the State of Mississippi, * * * school attendance
639 officers, agencies or subdivisions any right or authority to
640 control, manage, supervise or make any suggestion as to the
641 control, management or supervision of any private or parochial
642 school or institution for the education or training of children,
643 of any kind whatsoever that is not a public school according to
644 the laws of this state; and this section shall never be construed
645 so as to grant, by implication or otherwise, any right or
646 authority to any state agency or other entity to control, manage,
647 supervise, provide for or affect the operation, management,
648 program, curriculum, admissions policy or discipline of any such
649 school or home instruction program.

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

652 37-13-107. (1) Every school attendance officer shall be
653 required annually to attend and complete a comprehensive course of
654 training and education which is provided or approved by the Office
655 of Compulsory School Attendance Enforcement and Dropout Prevention
656 of the State Department of Education. Attendance shall be
657 required beginning with the first training seminar conducted after
658 the school attendance officer is employed as a school attendance
659 officer.

660 (2) The Office of Compulsory School Attendance Enforcement
661 and Dropout Prevention shall provide or approve a course of



662 training and education for school attendance officers of the
663 state. The course shall consist of at least twelve (12) hours of
664 training per year. The content of the course of training and when
665 and where it is to be conducted shall be approved by the office.
666 A certificate of completion shall be furnished by the State
667 Department of Education to those school attendance officers who
668 complete the course. Each certificate shall be made a permanent
669 record of the local school * * * district where the school
670 attendance officer is employed.

671 (3) Upon the failure of any person employed as a school
672 attendance officer to receive the certificate of completion from
673 the State Department of Education within the first year of his
674 employment, the person shall not be allowed to carry out any of
675 the duties of a school attendance officer and shall not be
676 entitled to compensation for the period of time during which the
677 certificate has not been obtained.

678 **SECTION 8.** This act shall take effect and be in force from
679 and after July 1, 2024.

