

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."

Definition of Terms

(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 * * * the portion of a day during which schools are in session and providing instruction to students, as set by the school board and consistent with State Board of Education accreditation requirements. For purposes of compulsory school attendance, a student shall be considered in full-day attendance if present for at least sixty-six percent (66%) of the student's school day, as defined by the State Board of Education.

(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 the State Department of Education pursuant to Section 37-13-89.

(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.

School Enrollment

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

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

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

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

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

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

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

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

(iii) The 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 charter school or nonpublic school, the name and address of the school; and

(* * * v) 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 where the child resides on or before * * * August 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.

Unlawful/Unexcused Absences

(4) (a) 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-three percent (33%) of the * * * student's school 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.

Valid Excuses

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:

(* * *i) 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.

(* * *ii) 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, and any absence after the third must be documented by a written excuse by a medical provider.

(* * *iii) 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.

(* * *iv) 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.

(* * *v) An absence is excused when it results from a medical or dental appointment of a compulsory-school-age child, with a documented excuse from the medical provider.

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

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

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

family travel. Approval of the absence must be gained from the superintendent of the school district, or his designee, before the absence * * *.

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

(* * *x) 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.

(* * *xi) 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.

Limitation on Excused Absences

(b) Limitation on excused absences. Except as otherwise provided in this section, no compulsory-school-age child shall be granted more than five (5) excused absences per semester under subparagraphs (i) through (xi) of paragraph (a) of this subsection (4). Any additional excused absences beyond this limit must be specifically approved by the school district superintendent, or his or her designee, upon a showing of extenuating circumstances. Extenuating circumstances may include, but are not limited to, prolonged illness or injury supported by medical documentation, extended religious observances, or participation in educational opportunities of substantial merit, including out-of-state educational travel. Any absence in excess of this limit, and not approved by the superintendent, shall be considered unexcused for purposes of this chapter. Any absence in excess of the limit set forth in this subsection, and not approved by the superintendent, shall be considered an unexcused absence for purposes of this chapter.

(i) School-sanctioned events, such as athletics, band, choir or other events sponsored by the Mississippi High School Activities Association or a successor entity, shall not be counted as absences.

(ii) School-sanctioned academic or club events shall not be counted as absences.

Chronic Absenteeism

(c) Chronic absenteeism. For purposes of this section and in alignment with state and federal accountability requirements, a compulsory-school-age child shall be considered chronically absent if the child is absent from school for ten percent (10%) or more of the student's school days in a school year, regardless of whether such absences are excused or unexcused under paragraphs (a) or (b) of this subsection (4).

(i) Each school district shall actively monitor chronic absenteeism rates by school, grade level and subgroup of students. Districts shall include chronic absenteeism data in their annual accountability reporting and in their district- and school-level improvement plans.

(ii) Each school district shall develop and implement tiered intervention strategies for students identified as being at risk of chronic absenteeism. Such strategies shall include, at a minimum: timely parent or guardian notification when a student has accumulated three (3) or more absences that place the student at risk of chronic absenteeism; opportunities for parent or guardian conferences to identify barriers to regular attendance; referral to school- or community-based support services as appropriate, including health, counseling and transportation resources; and assignment of an individualized attendance success plan, which may include mentoring, case management by a school attendance officer, or other evidence-based supports.

(iii) Each school district shall adopt strategies for proactive family engagement to prevent and reduce chronic absenteeism, including, but not limited to: regular communication with families in a language and manner understandable to them about the importance of daily attendance and the consequences of absenteeism; partnering with community organizations, faith-based institutions or local businesses to support families in overcoming barriers to school attendance; and providing training for school staff on culturally responsive family engagement practices related to attendance.

(iv) When a school's chronic absenteeism rate exceeds ten percent (10%) for any subgroup or grade level, the school district shall be required to adopt a written chronic absenteeism reduction plan, which shall be submitted to the school board and made publicly available on the district website. The plan shall describe specific evidence-based practices the district will employ to reduce chronic absenteeism, the timeline for implementation, family and community engagement strategies, and the metrics for measuring progress.

(v) The State Department of Education shall provide technical assistance to districts in the development and implementation of chronic absenteeism reduction strategies and shall annually publish statewide data on chronic absenteeism by district and school.

District Policies, Local Documentation, & Family Engagement

(d) District policies; local documentation and family engagement.

(i) By November 1, 2026, each school district shall, by board action, adopt and implement locally tailored policies that:

1. Set documentation standards for excuses under subparagraphs (ii) through (v) of paragraph (a) of this subsection (4), including acceptable verification, submission timelines, a locally set limit on parent/guardian notes before third-party documentation is required, and protections for student privacy; and

2. Establish family engagement protocols aligned to this paragraph (d), including timely notice when a student is at risk of chronic absenteeism, a parent/guardian conference and attendance success plan, multichannel/translated communications, and referral to available local supports.

(ii) Policies shall be posted on the district website, reviewed at least every three (3) years, and reported on annually to the school board using disaggregated attendance data.

(iii) The department shall issue a nonbinding model policy or policies not later than August 15, 2026. Adoption of a model policy, or of a substantially aligned policy, by a school district shall constitute minimum compliance.

Consequences of Non-Attendance

(e) This subsection (4) shall not be construed to create a new criminal offense or to redefine "unlawful absence," but shall serve as a primary indicator for prevention, intervention and accountability under state and federal law.

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

Upon prosecution of a parent, guardian or custodian of a compulsory-school-age child for violation of this section, the presentation of evidence by the prosecutor that shows that the child has not been enrolled in school within eighteen (18) calendar days after the first day of the school year of the public school which the child is eligible to attend, or that the child has accumulated * * * eight (8) unlawful absences during the school year at the public school in which the child has been enrolled, shall establish a prima facie case that the child's parent, guardian or custodian is responsible for the absences and has refused or willfully failed to perform the duties imposed upon him or her under this section. However, no proceedings under this section shall be brought against a parent, guardian or custodian of a compulsory-school-age child unless

the school attendance officer has contacted promptly the home of the child and has provided written notice to the parent, guardian or custodian of the requirement for the child's enrollment or attendance.

(6) If a compulsory-school-age child has not been enrolled in a school within fifteen (15) calendar days after the first day of the school year of the school which the child is eligible to attend or the child has accumulated five (5) unlawful absences during the school year of the public school in which the child is enrolled, the school district superintendent, or his designee, shall report, * * * by close of business of the next business day, the unlawful absences to the school attendance officer. The State Department of Education shall prescribe a uniform method for schools to utilize in reporting the unlawful absences to the school attendance 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 effect 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:

(a) Ensure school superintendents timely report unlawful absences under this section;

and

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

(9) Notwithstanding any provision or implication herein to the contrary, it is not the intention of this section to impair the primary right and the obligation of the parent or parents, or person or persons in loco parentis to a child, to choose the proper education and training for such child, and nothing in this section shall ever be construed to grant, by implication or otherwise, to the State of Mississippi, any of its officers, agencies or subdivisions any right or authority to control, manage, supervise or make any suggestion as to the control, management or

supervision of any private or parochial school or institution for the education or training of children, of any kind whatsoever that is not a public school according to the laws of this state; and this section shall never be construed so as to grant, by implication or otherwise, any right or authority to any state agency or other entity to control, manage, supervise, provide for or affect the operation, management, program, curriculum, admissions policy or discipline of any such school or home instruction program.