

By: Representatives Grist, Eaton, Gadd,
Stringer, Warren, Bailey

To: Education

HOUSE BILL NO. 1191
(As Passed the House)

1 AN ACT TO AMEND SECTION 37-13-89, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT SCHOOL ATTENDANCE OFFICERS MAY RETAIN THEIR UNUSED
3 PERSONAL AND MAJOR MEDICAL LEAVE ACCUMULATED UNDER LAWFULLY
4 ADOPTED LEAVE POLICIES BEFORE BECOMING STATE EMPLOYEES ON JULY 1,
5 1998; TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO CONSIDER
6 SCHOOL ATTENDANCE OFFICERS' PRIOR YEARS OF SERVICE WHEN
7 DETERMINING THEIR LEAVE ACCRUAL RATES AS STATE EMPLOYEES; TO
8 REQUIRE THE DISTRICT ATTORNEYS TO CERTIFY THE HIRE DATE AND UNUSED
9 ACCUMULATED LEAVE OF THE SCHOOL ATTENDANCE OFFICERS PREVIOUSLY
10 UNDER THEIR EMPLOY; TO REQUIRE THE STATE PERSONNEL BOARD TO
11 DEVELOP A SALARY SCALE UNDER THE VARIABLE COMPENSATION PLAN FOR
12 SCHOOL ATTENDANCE OFFICERS; TO PROVIDE THAT SCHOOL ATTENDANCE
13 OFFICERS SHALL NOT BE REQUIRED TO REPORT TO WORK ON THOSE DAYS
14 THAT TEACHERS ARE OFF DURING THE SCHOOL TERM; TO AMEND SECTION
15 25-3-92, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT SCHOOL
16 ATTENDANCE OFFICERS SHALL NOT BE AWARDED COMPENSATORY LEAVE FOR
17 WORKING ON CERTAIN STATE HOLIDAYS; AND FOR RELATED PURPOSES.

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

19 SECTION 1. Section 37-13-89, Mississippi Code of 1972, is
20 amended as follows:

21 37-13-89. (1) In each school district within the state,
22 there shall be employed the number of school attendance officers
23 determined by the Office of Compulsory School Attendance
24 Enforcement to be necessary to adequately enforce the provisions
25 of the Mississippi Compulsory School Attendance Law; however, this
26 number shall not exceed one hundred fifty-three (153) school
27 attendance officers at any time. From and after July 1, 1998, all
28 school attendance officers employed pursuant to this section shall
29 be employees of the State Department of Education. The State
30 Department of Education shall employ all persons employed as
31 school attendance officers by district attorneys before July 1,
32 1998, and shall assign them to school attendance responsibilities
33 in the school district in which they were employed before July 1,
34 1998. The first twelve (12) months of employment for each school

35 attendance officer shall be the probationary period of state
36 service.

37 (2) Each school attendance officer shall possess a college
38 degree with a major in a behavioral science or a related field or
39 shall have no less than three (3) years combined actual experience
40 as a school teacher, school administrator, law enforcement officer
41 possessing such degree, and/or social worker; however, these
42 requirements shall not apply to persons employed as school
43 attendance officers before January 1, 1987. School attendance
44 officers also shall satisfy any additional requirements that may
45 be established by the State Personnel Board for the position of
46 school attendance officer.

47 (3) It shall be the duty of each school attendance officer
48 to:

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

52 (b) Cooperate with all courts of competent
53 jurisdiction;

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

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

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

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

70 (g) Contact promptly the home of each
71 compulsory-school-age child in the school district within the
72 officer's jurisdiction who is not enrolled in school or is not in

73 attendance at public school and is without a valid written excuse
74 from school officials; if no valid reason is found for the
75 nonenrollment or absence from the school, the school attendance
76 officer shall give written notice to the parent, guardian or
77 custodian of the requirement for the child's enrollment or
78 attendance;

79 (h) Collect and maintain information concerning
80 absenteeism, dropouts and other attendance-related problems, as
81 may be required by law or the Office of Compulsory School
82 Attendance Enforcement; and

83 (i) Perform all other duties relating to compulsory
84 school attendance established by the State Department of Education
85 or district school attendance supervisor, or both.

86 (4) While engaged in the performance of his duties, each
87 school attendance officer shall carry on his person a badge
88 identifying him as a school attendance officer under the Office of
89 Compulsory School Attendance Enforcement of the State Department
90 of Education and an identification card designed by the State
91 Superintendent of Public Education and issued by the school
92 attendance officer supervisor. Neither the badge nor the
93 identification card shall bear the name of any elected public
94 official.

95 (5) The State Personnel Board shall develop a salary scale
96 for school attendance officers as part of the variable
97 compensation plan. The various pay ranges of the salary scale
98 shall be based upon factors including, but not limited to,
99 education, professional certification and licensure, and number of
100 years of experience. Beginning with the 1999-2000 fiscal year,
101 school attendance officers shall be paid in accordance with this
102 salary scale. In addition, school attendance officers shall
103 receive, in the 1999-2000 fiscal year, an increase in salary in
104 accordance with the state employee pay raise adopted by the 1999
105 Legislature. The minimum salaries under the scale shall be no
106 less than the following:

107 (a) For school attendance officers holding a bachelor's
108 degree or any other attendance officer who does not hold such a
109 degree, the annual salary shall be based on years of experience as
110 a school attendance officer or related field of service or
111 employment, no less than as follows:

| 112 | Years of Experience | Salary |
|-----|---------------------|-------------|
| 113 | 0 - 4 years | \$19,650.00 |
| 114 | 5 - 8 years | 21,550.00 |
| 115 | 9 - 12 years | 23,070.00 |
| 116 | 13 - 16 years | 24,590.00 |
| 117 | Over 17 years | 26,110.00 |

118 (b) For school attendance officers holding a license as
119 a social worker, the annual salary shall be based on years of
120 experience as a school attendance officer or related field of
121 service or employment, no less than as follows:

| 122 | Years of Experience | Salary |
|-----|---------------------|-------------|
| 123 | 0 - 4 years | \$20,650.00 |
| 124 | 5 - 8 years | 22,950.00 |
| 125 | 9 - 12 years | 24,790.00 |
| 126 | 13 - 16 years | 26,630.00 |
| 127 | 17 - 20 years | 28,470.00 |
| 128 | Over 21 years | 30,310.00 |

129 (c) For school attendance officers holding a master's
130 degree in a behavioral science or a related field, the annual
131 salary shall be based on years of experience as a school
132 attendance officer or related field of service or employment, no
133 less than as follows:

| 134 | Years of Experience | Salary |
|-----|---------------------|-------------|
| 135 | 0 - 4 years | \$21,450.00 |
| 136 | 5 - 8 years | 24,000.00 |
| 137 | 9 - 12 years | 26,040.00 |
| 138 | 13 - 16 years | 28,080.00 |
| 139 | 17 - 20 years | 30,120.00 |
| 140 | Over 21 years | 32,160.00 |

141 (6) (a) Each school attendance officer employed by a
142 district attorney on June 30, 1998, who became an employee of the
143 State Department of Education on July 1, 1998, shall retain the
144 unused personal leave and major medical leave accumulated by the
145 school attendance officer as an employee of the district attorney
146 if the leave was accumulated pursuant to a personal leave policy
147 or major medical leave policy lawfully adopted by the district
148 attorney. Further, each school attendance officer who was an
149 employee of the youth or family court or a state agency before
150 being designated an employee of the district attorney and who has
151 continuous service since being employed by the youth or family
152 court or state agency shall retain any unused personal leave and
153 major medical leave accumulated as an employee of the youth or
154 family court or state agency if the leave was accumulated pursuant
155 to a personal leave policy or major medical leave policy lawfully
156 adopted by the youth or family court or under Section 25-3-93 or
157 25-3-95. However, a school attendance officer may not retain more
158 personal leave or major medical leave accumulated as an employee
159 of the district attorney and the youth or family court, when
160 applicable, than the school attendance officer could have
161 accumulated had he been credited with such leave under Sections
162 25-3-93 and 25-3-95.

163 (b) For the purpose of determining the accrual rate for
164 personal leave under Section 25-3-93 and major medical leave under
165 Section 25-3-95, the State Department of Education shall give
166 consideration to all continuous service rendered by a school
167 attendance officer before July 1, 1998, in addition to the service
168 rendered by the school attendance officer as an employee of the
169 department.

170 (c) In order for a school attendance officer to retain
171 the unused personal leave and major medical leave accumulated by
172 him before July 1, 1998, the district attorney who employed the
173 school attendance officer must certify, in writing, to the State
174 Department of Education the hire date of the school attendance

175 officer and the number of days of unused personal leave and major
176 medical leave credited to the school attendance officer on June
177 30, 1998. For each school attendance officer employed by the
178 youth or family court or a state agency before being designated an
179 employee of the district attorney who has not had a break in
180 continuous service, the hire date shall be the date that the
181 school attendance officer was hired by the youth or family court
182 or state agency. The department shall prescribe the date by which
183 the certification must be received by the department and shall
184 provide written notice to all district attorneys of the
185 certification requirement and the date by which the certification
186 must be received.

187 (7) School attendance officers shall maintain regular office
188 hours on a year round basis; however, during the school term, on
189 those days that teachers in all of the school districts served by
190 a school attendance officer are not required to report to work,
191 the school attendance officer also shall not be required to report
192 to work. (For purposes of this subsection, a school district's
193 school term is that period of time identified as the school term
194 in contracts entered into by the district with licensed
195 personnel.) A school attendance officer shall be required to
196 report to work on any day recognized as an official state holiday
197 if teachers in any school district served by that school
198 attendance officer are required to report to work on that day,
199 regardless of the school attendance officer's status as an
200 employee of the State Department of Education, and compensatory
201 leave may not be awarded to the school attendance officer for
202 working during that day. However, a school attendance officer may
203 be allowed by the school attendance officer's supervisor to use
204 earned leave on such days.

205 SECTION 2. Section 25-3-92, Mississippi Code of 1972, is
206 amended as follows:

207 25-3-92. (1) When, in the opinion of the appointing
208 authority, it is essential that a state employee work after normal

209 working hours, the employee may receive credit for compensatory
210 leave. Except as otherwise provided in Section 37-13-89, when, in
211 the opinion of the appointing authority, it is essential that a
212 state employee work during an official state holiday, the employee
213 shall receive credit for compensatory leave.

214 (2) State employees may be granted administrative leave with
215 pay. For the purposes of this section, "administrative leave"
216 means discretionary leave with pay, other than personal leave or
217 major medical leave.

218 (a) The appointing authority may grant administrative
219 leave to any employee serving as a witness or juror or party
220 litigant, as verified by the clerk of the court, in addition to
221 any fees paid for such services, and such services or necessary
222 appearance in any court shall not be counted as personal leave.

223 (b) The Governor or the appointing authority may grant
224 administrative leave with pay to state employees on a local or
225 statewide basis in the event of extreme weather conditions or in
226 the event of a manmade, technological or natural disaster or
227 emergency.

228 (c) The appointing authority may grant administrative
229 leave with pay to any employee who is a certified disaster service
230 volunteer of the American Red Cross who participates in
231 specialized disaster relief services for the American Red Cross in
232 this state and in states contiguous to this state when the
233 American Red Cross requests the employee's participation.
234 Administrative leave granted under this paragraph * * * shall not
235 exceed twenty (20) days in any twelve-month period. An employee
236 on leave under this paragraph * * * shall not be deemed to be an
237 employee of the state for purposes of workers' compensation or for
238 purposes of claims against the state allowed under Chapter 46,
239 Title 11, Mississippi Code of 1972. As used in this paragraph
240 * * *, the term "disaster" includes disasters designated at level
241 II and above in American Red Cross national regulations and
242 procedures.

243 SECTION 3. This act shall take effect and be in force from
244 and after its passage.