

By: Representatives Grist, Eaton, Gadd,
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To: Education

HOUSE BILL NO. 1191
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 37-13-89, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT SCHOOL ATTENDANCE OFFICERS SHALL BE AWARDED
3 PERSONAL AND MAJOR MEDICAL LEAVE FOR THEIR SERVICE AS SCHOOL
4 ATTENDANCE OFFICERS 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 OF THE
9 SCHOOL ATTENDANCE OFFICERS PREVIOUSLY UNDER THEIR EMPLOY; TO
10 REQUIRE THE STATE PERSONNEL BOARD TO DEVELOP A SALARY SCALE UNDER
11 THE VARIABLE COMPENSATION PLAN FOR SCHOOL ATTENDANCE OFFICERS; TO
12 PROVIDE THAT IN ADDITION TO ACCRUING LEAVE AS STATE EMPLOYEES,
13 SCHOOL ATTENDANCE OFFICERS SHALL NOT BE REQUIRED TO REPORT TO WORK
14 FOR A TWO-WEEK PERIOD DURING THE SUMMER AND ON THOSE DAYS THAT
15 TEACHERS ARE OFF DURING THE SCHOOL TERM; TO REQUIRE THE STATE
16 DEPARTMENT OF EDUCATION TO PROVIDE THE CONTINUING EDUCATION
17 COURSES AND TRAINING REQUIRED OF SCHOOL ATTENDANCE OFFICERS; TO
18 AMEND SECTION 25-3-92, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
19 SCHOOL ATTENDANCE OFFICERS SHALL NOT BE AWARDED COMPENSATORY LEAVE
20 FOR WORKING ON CERTAIN STATE HOLIDAYS; AND FOR RELATED PURPOSES.

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

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

24 37-13-89. (1) In each school district within the state,
25 there shall be employed the number of school attendance officers
26 determined by the Office of Compulsory School Attendance
27 Enforcement to be necessary to adequately enforce the provisions
28 of the Mississippi Compulsory School Attendance Law; however, this
29 number shall not exceed one hundred fifty-three (153) school
30 attendance officers at any time. From and after July 1, 1998, all
31 school attendance officers employed pursuant to this section shall
32 be employees of the State Department of Education. The State
33 Department of Education shall employ all persons employed as
34 school attendance officers by district attorneys before July 1,
35 1998, and shall assign them to school attendance responsibilities
36 in the school district in which they were employed before July 1,

37 1998. The first twelve (12) months of employment for each school
38 attendance officer shall be the probationary period of state
39 service.

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

50 (3) It shall be the duty of each school attendance officer
51 to:

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

55 (b) Cooperate with all courts of competent
56 jurisdiction;

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

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

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

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

73 (g) Contact promptly the home of each
74 compulsory-school-age child in the school district within the

75 officer's jurisdiction who is not enrolled in school or is not in
76 attendance at public school and is without a valid written excuse
77 from school officials; if no valid reason is found for the
78 nonenrollment or absence from the school, the school attendance
79 officer shall give written notice to the parent, guardian or
80 custodian of the requirement for the child's enrollment or
81 attendance;

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

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

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

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

109 less than the following:

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

115	Years of Experience	Salary
116	0 - 4 years	\$19,650.00
117	5 - 8 years	21,550.00
118	9 - 12 years	23,070.00
119	13 - 16 years	24,590.00
120	Over 17 years	26,110.00

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

125	Years of Experience	Salary
126	0 - 4 years	\$20,650.00
127	5 - 8 years	22,950.00
128	9 - 12 years	24,790.00
129	13 - 16 years	26,630.00
130	17 - 20 years	28,470.00
131	Over 21 years	30,310.00

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

137	Years of Experience	Salary
138	0 - 4 years	\$21,450.00
139	5 - 8 years	24,000.00
140	9 - 12 years	26,040.00
141	13 - 16 years	28,080.00
142	17 - 20 years	30,120.00

143 Over 21 years 32,160.00

144 (6) (a) Each school attendance officer employed by a
145 district attorney on June 30, 1998, who became an employee of the
146 State Department of Education on July 1, 1998, shall be awarded
147 credit for personal leave and major medical leave for his
148 continuous service as a school attendance officer under the
149 district attorney, and if applicable, the youth or family court or
150 a state agency. The credit for personal leave shall be in an
151 amount equal to one-third (1/3) of the maximum personal leave the
152 school attendance officer could have accumulated had he been
153 credited with such leave under Section 25-3-93 during his
154 employment with the district attorney, and if applicable, the
155 youth or family court or a state agency. The credit for major
156 medical leave shall be in an amount equal to one-half (1/2) of the
157 maximum major medical leave the school attendance officer could
158 have accumulated had he been credited with such leave under
159 Section 25-3-95 during his employment with the district attorney,
160 and if applicable, the youth or family court or a state agency.
161 However, if a district attorney who employed a school attendance
162 officer on June 30, 1998, certifies, in writing, to the State
163 Department of Education that the school attendance officer had
164 accumulated, pursuant to a personal leave policy or major medical
165 leave policy lawfully adopted by the district attorney, a number
166 of days of unused personal leave or major medical leave, or both,
167 which is greater than the number of days to which the school
168 attendance officer is entitled under this paragraph, the State
169 Department of Education shall authorize the school attendance
170 officer to retain the actual unused personal leave or major
171 medical leave, or both, certified by the district attorney,
172 subject to the maximum amount of personal leave and major medical
173 leave the school attendance officer could have accumulated had he
174 been credited with such leave under Sections 25-3-93 and 25-3-95.

175 (b) For the purpose of determining the accrual rate for
176 personal leave under Section 25-3-93 and major medical leave under

177 Section 25-3-95, the State Department of Education shall give
178 consideration to all continuous service rendered by a school
179 attendance officer before July 1, 1998, in addition to the service
180 rendered by the school attendance officer as an employee of the
181 department.

182 (c) In order for a school attendance officer to be
183 awarded credit for personal leave and major medical leave or to
184 retain the actual unused personal leave and major medical leave
185 accumulated by him before July 1, 1998, the district attorney who
186 employed the school attendance officer must certify, in writing,
187 to the State Department of Education the hire date of the school
188 attendance officer. For each school attendance officer employed
189 by the youth or family court or a state agency before being
190 designated an employee of the district attorney who has not had a
191 break in continuous service, the hire date shall be the date that
192 the school attendance officer was hired by the youth or family
193 court or state agency. The department shall prescribe the date by
194 which the certification must be received by the department and
195 shall provide written notice to all district attorneys of the
196 certification requirement and the date by which the certification
197 must be received.

198 (7) (a) School attendance officers shall maintain regular
199 office hours on a year round basis; however, during the school
200 term, on those days that teachers in all of the school districts
201 served by a school attendance officer are not required to report
202 to work, the school attendance officer also shall not be required
203 to report to work. (For purposes of this subsection, a school
204 district's school term is that period of time identified as the
205 school term in contracts entered into by the district with
206 licensed personnel.) A school attendance officer shall be
207 required to report to work on any day recognized as an official
208 state holiday if teachers in any school district served by that
209 school attendance officer are required to report to work on that
210 day, regardless of the school attendance officer's status as an

211 employee of the State Department of Education, and compensatory
212 leave may not be awarded to the school attendance officer for
213 working during that day. However, a school attendance officer may
214 be allowed by the school attendance officer's supervisor to use
215 earned leave on such days.

216 (b) The State Department of Education annually shall
217 designate a period of two (2) consecutive weeks in the summer
218 between school years during which school attendance officers shall
219 not be required to report to work. A school attendance officer
220 who elects to work at any time during that period may not be
221 awarded compensatory leave for such work and may not opt to be
222 absent from work at any time other than during the two (2) weeks
223 designated by the department unless the school attendance officer
224 uses personal leave or major medical leave accrued under Section
225 25-3-93 or 25-3-95 for such absence.

226 (8) The State Department of Education shall provide all
227 continuing education and training courses that school attendance
228 officers are required to complete under state law or rules and
229 regulations of the department.

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

232 25-3-92. (1) When, in the opinion of the appointing
233 authority, it is essential that a state employee work after normal
234 working hours, the employee may receive credit for compensatory
235 leave. Except as otherwise provided in Section 37-13-89, when, in
236 the opinion of the appointing authority, it is essential that a
237 state employee work during an official state holiday, the employee
238 shall receive credit for compensatory leave.

239 (2) State employees may be granted administrative leave with
240 pay. For the purposes of this section, "administrative leave"
241 means discretionary leave with pay, other than personal leave or
242 major medical leave.

243 (a) The appointing authority may grant administrative
244 leave to any employee serving as a witness or juror or party

245 litigant, as verified by the clerk of the court, in addition to
246 any fees paid for such services, and such services or necessary
247 appearance in any court shall not be counted as personal leave.

248 (b) The Governor or the appointing authority may grant
249 administrative leave with pay to state employees on a local or
250 statewide basis in the event of extreme weather conditions or in
251 the event of a manmade, technological or natural disaster or
252 emergency.

253 (c) The appointing authority may grant administrative
254 leave with pay to any employee who is a certified disaster service
255 volunteer of the American Red Cross who participates in
256 specialized disaster relief services for the American Red Cross in
257 this state and in states contiguous to this state when the
258 American Red Cross requests the employee's participation.
259 Administrative leave granted under this paragraph * * * shall not
260 exceed twenty (20) days in any twelve-month period. An employee
261 on leave under this paragraph * * * shall not be deemed to be an
262 employee of the state for purposes of workers' compensation or for
263 purposes of claims against the state allowed under Chapter 46,
264 Title 11, Mississippi Code of 1972. As used in this paragraph
265 * * *, the term "disaster" includes disasters designated at level
266 II and above in American Red Cross national regulations and
267 procedures.

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