

By: Representative Bailey

To: Education;  
Appropriations

## HOUSE BILL NO. 1454

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 PROVIDE THAT SCHOOL ATTENDANCE OFFICERS  
11 SHALL NOT BE REQUIRED TO REPORT TO WORK ON THOSE DAYS THAT  
12 TEACHERS ARE OFF DURING THE SCHOOL TERM; TO PROVIDE THAT SCHOOL  
13 ATTENDANCE OFFICERS SHALL BE GRANTED ADMINISTRATIVE LEAVE WITH PAY  
14 FOR PURPOSES OF ATTENDING WORKSHOPS NECESSARY TO MAINTAIN THEIR  
15 PROFESSIONAL CERTIFICATION; TO PROVIDE THAT THE PROBATIONARY  
16 STATUS OF SCHOOL ATTENDANCE OFFICERS WHO BECAME STATE EMPLOYEES ON  
17 JULY 1, 1998, SHALL EXPIRE ON JUNE 30, 1999; TO AMEND SECTION  
18 25-3-92, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT SCHOOL  
19 ATTENDANCE OFFICERS SHALL NOT BE AWARDED COMPENSATORY LEAVE FOR  
20 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. The probationary status of those school attendance  
40 officers who become employees of the State Department of Education  
41 on July 1, 1998, shall expire on June 30, 1999.

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

52 (3) It shall be the duty of each school attendance officer  
53 to:

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

57 (b) Cooperate with all courts of competent  
58 jurisdiction;

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

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

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

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

75 (g) Contact promptly the home of each  
76 compulsory-school-age child in the school district within the  
77 officer's jurisdiction who is not enrolled in school or is not in  
78 attendance at public school and is without a valid written excuse  
79 from school officials; if no valid reason is found for the  
80 nonenrollment or absence from the school, the school attendance  
81 officer shall give written notice to the parent, guardian or  
82 custodian of the requirement for the child's enrollment or  
83 attendance;

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

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

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

100 (5) The salary scale for school attendance officers shall be  
101 as follows:

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

107	Years of Experience	Salary
108	0 - 4 years	\$19,650.00

109	5 - 8 years	21,550.00
110	9 - 12 years	23,070.00
111	13 - 16 years	24,590.00
112	Over 17 years	26,110.00

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

117	Years of Experience	Salary
118	0 - 4 years	\$20,650.00
119	5 - 8 years	22,950.00
120	9 - 12 years	24,790.00
121	13 - 16 years	26,630.00
122	17 - 20 years	28,470.00
123	Over 21 years	30,310.00

124 (c) For school attendance officers holding a master's  
 125 degree in a behavioral science or a related field, the annual  
 126 salary shall be based on years of experience as a school  
 127 attendance officer or related field of service or employment, no  
 128 less than as follows:

129	Years of Experience	Salary
130	0 - 4 years	\$21,450.00
131	5 - 8 years	24,000.00
132	9 - 12 years	26,040.00
133	13 - 16 years	28,080.00
134	17 - 20 years	30,120.00
135	Over 21 years	32,160.00

136 (6) (a) Each school attendance officer employed by a  
 137 district attorney on June 30, 1998, who becomes an employee of the  
 138 State Department of Education on July 1, 1998, shall retain the  
 139 unused personal leave and major medical leave accumulated by the  
 140 school attendance officer as an employee of the district attorney  
 141 if the leave was accumulated pursuant to a personal leave policy  
 142 or major medical leave policy lawfully adopted by the district

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

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

165 (c) In order for a school attendance officer to retain  
166 the unused personal leave and major medical leave accumulated by  
167 him before July 1, 1998, the district attorney who employed the  
168 school attendance officer must certify, in writing, to the State  
169 Department of Education the hire date of the school attendance  
170 officer and the number of days of unused personal leave and major  
171 medical leave credited to the school attendance officer on June  
172 30, 1998. For each school attendance officer employed by the  
173 youth or family court or a state agency before being designated an  
174 employee of the district attorney who has not had a break in  
175 continuous service, the hire date shall be the date that the  
176 school attendance officer was hired by the youth or family court

177 or state agency. The department shall prescribe the date by which  
178 the certification must be received by the department and shall  
179 provide written notice to all district attorneys of the  
180 certification requirement and the date by which the certification  
181 must be received.

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

200 (b) A school attendance officer shall be granted  
201 administrative leave with pay for the purpose of attending  
202 meetings, workshops, conferences or other instructional seminars  
203 necessary for the school attendance officer to maintain his  
204 professional certification or license.

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.