

By: Representative Clarke

To: Education;  
Appropriations

## HOUSE BILL NO. 1468

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 factor 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 becomes 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.