

*****Pending*****

AMENDMENT No. 1 PROPOSED TO

House Bill NO. 1191

By Senator(s) Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

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

23 37-13-89. (1) In each school district within the state,
24 there shall be employed the number of school attendance officers
25 determined by the Office of Compulsory School Attendance
26 Enforcement to be necessary to adequately enforce the provisions
27 of the Mississippi Compulsory School Attendance Law; however, this
28 number shall not exceed one hundred fifty-three (153) school
29 attendance officers at any time. From and after July 1, 1998, all
30 school attendance officers employed pursuant to this section shall
31 be employees of the State Department of Education. The State
32 Department of Education shall employ all persons employed as
33 school attendance officers by district attorneys before July 1,
34 1998, and shall assign them to school attendance responsibilities
35 in the school district in which they were employed before July 1,
36 1998. The first twelve (12) months of employment for each school
37 attendance officer shall be the probationary period of state
38 service.

39 (2) Each school attendance officer shall possess a college
40 degree with a major in a behavioral science or a related field or
41 shall have no less than three (3) years' combined actual

42 experience as a school teacher, school administrator, law
43 enforcement officer possessing such degree, and/or social worker;
44 however, these requirements shall not apply to persons employed as
45 school attendance officers before January 1, 1987. School
46 attendance officers also shall satisfy any additional requirements
47 that may be established by the State Personnel Board for the
48 position of school attendance officer.

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

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

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

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

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

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

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

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

99\SS01\HB1191A.J *SS01\HB1191AJ*

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

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

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

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

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

99\SS01\HB1191A.J *SS01\HB1191AJ*

108 less than the following:

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

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

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

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

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

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

141 17 - 20 years 30,120.00
142 Over 21 years 32,160.00

143 (6) (a) Each school attendance officer employed by a
144 district attorney on June 30, 1998, who became an employee of the
145 State Department of Education on July 1, 1998, shall retain the
146 unused personal leave and major medical leave accumulated by the
147 school attendance officer as an employee of the district attorney
148 if the leave was accumulated pursuant to a personal leave policy
149 or major medical leave policy lawfully adopted by the district
150 attorney. Further, each school attendance officer who was an
151 employee of the youth or family court or a state agency before
152 being designated an employee of the district attorney and who has
153 continuous service since being employed by the youth or family
154 court or state agency shall retain any unused personal leave and
155 major medical leave accumulated as an employee of the youth or
156 family court or state agency if the leave was accumulated pursuant
157 to a personal leave policy or major medical leave policy lawfully
158 adopted by the youth or family court or under Section 25-3-93 or
159 25-3-95. However, a school attendance officer may not retain more
160 personal leave or major medical leave accumulated as an employee
161 of the district attorney and the youth or family court, when
162 applicable, than the school attendance officer could have
163 accumulated had he been credited with such leave under Sections
164 25-3-93 and 25-3-95.

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

172 (c) In order for a school attendance officer to retain
173 the unused personal leave and major medical leave accumulated by

174 him before July 1, 1998, the district attorney who employed the
175 school attendance officer must certify, in writing, to the State
176 Department of Education the hire date of the school attendance
177 officer and the number of days of unused personal leave and major
178 medical leave credited to the school attendance officer on June
179 30, 1998. For each school attendance officer employed by the
180 youth or family court or a state agency before being designated an
181 employee of the district attorney who has not had a break in
182 continuous service, the hire date shall be the date that the
183 school attendance officer was hired by the youth or family court
184 or state agency. The department shall prescribe the date by which
185 the certification must be received by the department and shall
186 provide written notice to all district attorneys of the
187 certification requirement and the date by which the certification
188 must be received.

189 (d) All attendance officers shall be allowed up to
190 three (3) leave days a year for professional development. Any
191 expenses incurred by attendance officer for professional
192 development obtained in Mississippi shall be reimbursed by the
193 State Department of Education.

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

99\SS01\HB1191A.J *SS01\HB1191AJ*

207 compensatory leave may not be awarded to the school attendance
208 officer for working during that day. However, a school attendance
209 officer may be allowed by the school attendance officer's
210 supervisor to use earned leave on such days.

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

213 25-3-92. (1) When, in the opinion of the appointing
214 authority, it is essential that a state employee work after normal
215 working hours, the employee may receive credit for compensatory
216 leave. Except as otherwise provided in Section 37-13-89, when, in
217 the opinion of the appointing authority, it is essential that a
218 state employee work during an official state holiday, the employee
219 shall receive credit for compensatory leave.

220 (2) State employees may be granted administrative leave with
221 pay. For the purposes of this section, "administrative leave"
222 means discretionary leave with pay, other than personal leave or
223 major medical leave.

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

229 (b) The Governor or the appointing authority may grant
230 administrative leave with pay to state employees on a local or
231 statewide basis in the event of extreme weather conditions or in
232 the event of a manmade, technological or natural disaster or
233 emergency.

234 (c) The appointing authority may grant administrative
235 leave with pay to any employee who is a certified disaster service
236 volunteer of the American Red Cross who participates in
237 specialized disaster relief services for the American Red Cross in
238 this state and in states contiguous to this state when the
239 American Red Cross requests the employee's participation.

99\SS01\HB1191A.J *SS01\HB1191AJ*

240 Administrative leave granted under this paragraph * * * shall not
241 exceed twenty (20) days in any twelve-month period. An employee
242 on leave under this paragraph * * * shall not be deemed to be an
243 employee of the state for purposes of workers' compensation or for
244 purposes of claims against the state allowed under Chapter 46,
245 Title 11, Mississippi Code of 1972. As used in this paragraph
246 * * *, the term "disaster" includes disasters designated at level
247 II and above in American Red Cross national regulations and
248 procedures.

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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 ALLOW SCHOOL
15 ATTENDANCE OFFICERS THREE DAYS PER YEAR FOR PROFESSIONAL
16 DEVELOPMENT AND EXPENSE REIMBURSEMENT; TO AMEND SECTION 25-3-92,
17 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT SCHOOL ATTENDANCE
18 OFFICERS SHALL NOT BE AWARDED COMPENSATORY LEAVE FOR WORKING ON
19 CERTAIN STATE HOLIDAYS; AND FOR RELATED PURPOSES.