HOUSE BILL NO. 437

AN ACT TO AMEND SECTION 37-13-89, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT SCHOOL ATTENDANCE OFFICERS MUST WORK ONLY ON THOSE DAYS THAT TEACHERS IN THE SCHOOL DISTRICTS RESPECTIVELY SERVED BY THE SCHOOL ATTENDANCE OFFICERS ARE REQUIRED TO REPORT FOR DUTY, AND TO PROVIDE THAT SCHOOL ATTENDANCE OFFICERS SHALL ACCRUE AND MAY USE LEAVE ACCORDING TO LEAVE POLICIES FOR TEACHERS ADOPTED BY THOSE SCHOOL DISTRICTS; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

(b) Cooperate with all courts of competent
jurisdiction;

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

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

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

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

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

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

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

(4) While engaged in the performance of * * * duties, each school attendance officer shall carry * * * a badge identifying him as a school attendance officer under the Office of Compulsory School Attendance Enforcement of the State Department of Education and an identification card designed by the State Superintendent of Public Education and issued by the school attendance officer supervisor. Neither the badge nor the identification card shall bear the name of any elected public official.

(5) The State Personnel Board shall develop a salary scale for school attendance officers as part of the variable compensation plan. The various pay ranges of the salary scale shall be based upon factors including, but not limited to, education, professional certification and licensure, and number of years of experience. Beginning with the 1999-2000 fiscal year, school attendance officers shall be paid in accordance with this salary scale. In addition, school attendance officers shall receive, in the 1999-2000 fiscal year, an increase in salary in accordance with the state employee pay raise adopted by the 1999 Legislature. The minimum salaries under the scale shall be no less than the following:
(a) For school attendance officers holding a bachelor's degree or any other attendance officer who does not hold such a degree, the annual salary shall be based on years of experience as a school attendance officer or related field of service or employment, no less than as follows:

<table>
<thead>
<tr>
<th>Years of Experience</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 4 years</td>
<td>$19,650.00</td>
</tr>
<tr>
<td>5 - 8 years</td>
<td>$21,550.00</td>
</tr>
<tr>
<td>9 - 12 years</td>
<td>$23,070.00</td>
</tr>
<tr>
<td>13 - 16 years</td>
<td>$24,590.00</td>
</tr>
<tr>
<td>Over 17 years</td>
<td>$26,110.00</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Years of Experience</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 4 years</td>
<td>$20,650.00</td>
</tr>
<tr>
<td>5 - 8 years</td>
<td>$22,950.00</td>
</tr>
<tr>
<td>9 - 12 years</td>
<td>$24,790.00</td>
</tr>
<tr>
<td>13 - 16 years</td>
<td>$26,630.00</td>
</tr>
<tr>
<td>17 - 20 years</td>
<td>$28,470.00</td>
</tr>
<tr>
<td>Over 21 years</td>
<td>$30,310.00</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Years of Experience</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - 4 years</td>
<td>$21,450.00</td>
</tr>
<tr>
<td>5 - 8 years</td>
<td>$24,000.00</td>
</tr>
<tr>
<td>9 - 12 years</td>
<td>$26,040.00</td>
</tr>
<tr>
<td>13 - 16 years</td>
<td>$28,080.00</td>
</tr>
<tr>
<td>17 - 20 years</td>
<td>$30,120.00</td>
</tr>
</tbody>
</table>
(6) (a) Each school attendance officer employed by a district attorney on June 30, 1998, who became an employee of the State Department of Education on July 1, 1998, shall be awarded credit for personal leave and major medical leave for his continuous service as a school attendance officer under the district attorney, and if applicable, the youth or family court or a state agency. The credit for personal leave shall be in an amount equal to one-third (1/3) of the maximum personal leave the school attendance officer could have accumulated had he been credited with such leave under Section 25-3-93 during his employment with the district attorney, and if applicable, the youth or family court or a state agency. The credit for major medical leave shall be in an amount equal to one-half (1/2) of the maximum major medical leave the school attendance officer could have accumulated had he been credited with such leave under Section 25-3-95 during his employment with the district attorney, and if applicable, the youth or family court or a state agency.

However, if a district attorney who employed a school attendance officer on June 30, 1998, certifies, in writing, to the State Department of Education that the school attendance officer had accumulated, pursuant to a personal leave policy or major medical leave policy lawfully adopted by the district attorney, a number of days of unused personal leave or major medical leave, or both, which is greater than the number of days to which the school attendance officer is entitled under this paragraph, the State Department of Education shall authorize the school attendance officer to retain the actual unused personal leave or major medical leave, or both, certified by the district attorney, subject to the maximum amount of personal leave and major medical leave the school attendance officer could have accumulated had he been credited with such leave under Sections 25-3-93 and 25-3-95.
In order for a school attendance officer to be awarded credit for personal leave and major medical leave or to retain the actual unused personal leave and major medical leave accumulated by him before July 1, 1998, the district attorney who employed the school attendance officer must certify, in writing, to the State Department of Education the hire date of the school attendance officer. For each school attendance officer employed by the youth or family court or a state agency before being designated an employee of the district attorney who has not had a break in continuous service, the hire date shall be the date that the school attendance officer was hired by the youth or family court or state agency. The department shall prescribe the date by which the certification must be received by the department and shall provide written notice to all district attorneys of the certification requirement and the date by which the certification must be received.

(7) (a) School attendance officers shall maintain regular office hours on all days during the school term on which teachers in any of the school districts served by a school attendance officer are required to report to work. (For purposes of this subsection, a school district's school term is that period of time identified as the school term in contracts entered into by the district with licensed personnel.) A school attendance officer shall be required to report to work on any day recognized as an official state holiday if teachers in any school district served by that school attendance officer are required to report to work on that day, regardless of the school attendance officer's status as an employee of the State Department of Education, and compensatory leave may not be awarded to the school attendance officer for working during that day. However, a school attendance officer may be allowed by the school attendance officer's supervisor to use earned leave on such days.
(b) Beginning on July 1, 2002, each school attendance officer shall be credited with leave in accordance with the leave policies of the school district served by that school attendance officer which credits licensed employees with the greatest sick leave and personal leave allowances, as prescribed in that school district's leave policies adopted pursuant to subsections (2) through (4) of Section 37-7-307. The school attendance officer may retain all unused leave accumulated under Sections 25-3-93 and 25-3-95 and unused leave credited to the school attendance officer pursuant to subsection (6) of this section. However, beginning on July 1, 2002, the use of leave, whether accumulated before or after July 1, 2002, by the school attendance officer must be in accordance with that local school district's leave policies adopted pursuant to subsections (2) through (4) of Section 37-7-307.

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

SECTION 2. This act shall take effect and be in force from and after July 1, 2002.