

By: Representative Ford

To: Education;  
Appropriations

HOUSE BILL NO. 492  
(As Passed the House)

1 AN ACT TO REENACT SECTIONS 37-13-81 THROUGH 37-13-89,  
2 MISSISSIPPI CODE OF 1972, WHICH ESTABLISH THE OFFICE OF COMPULSORY  
3 SCHOOL ATTENDANCE ENFORCEMENT IN THE STATE DEPARTMENT OF  
4 EDUCATION, PROVIDE FOR THE EMPLOYMENT OF SCHOOL ATTENDANCE  
5 OFFICERS BY THE DEPARTMENT, AND PRESCRIBE THE POWERS AND DUTIES OF  
6 SCHOOL ATTENDANCE OFFICERS; TO AMEND SECTION 9, CHAPTER 566, LAWS  
7 OF 1998, TO DELETE THE REPEALER ON THOSE STATUTES THAT CREATE THE  
8 OFFICE OF COMPULSORY SCHOOL ATTENDANCE ENFORCEMENT AND PRESCRIBE  
9 THE POWERS AND DUTIES OF SCHOOL ATTENDANCE OFFICERS; AND FOR  
10 RELATED PURPOSES.

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

12 **SECTION 1.** Section 37-13-81, Mississippi Code of 1972, is  
13 reenacted as follows:

14 37-13-81. There is created the Office of Compulsory School  
15 Attendance Enforcement within the State Department of Education.  
16 The office shall be responsible for the administration of a  
17 statewide system of enforcement of the Mississippi Compulsory  
18 School Attendance Law (Section 37-13-91) and for the supervision  
19 of school attendance officers throughout the state.

20 **SECTION 2.** Section 37-13-83, Mississippi Code of 1972, is  
21 reenacted as follows:

22 27-13-83. The State Superintendent of Public Education shall  
23 appoint a director for the Office of Compulsory School Attendance  
24 Enforcement, who shall meet all qualifications established for  
25 school attendance officer supervisors and any additional  
26 qualifications that may be established by the State Superintendent  
27 of Public Education or State Personnel Board. The director shall  
28 be responsible for the proper administration of the Office of  
29 Compulsory School Attendance Enforcement in conformity with the  
30 Mississippi Compulsory School Attendance Law and any other



31 regulations or policies that may be adopted by the State Board of  
32 Education.

33 **SECTION 3.** Section 37-13-85, Mississippi Code of 1972, is  
34 reenacted as follows:

35 37-13-85. The Office of Compulsory School Attendance  
36 Enforcement shall have the following powers and duties, in  
37 addition to all others imposed or granted by law:

38 (a) To establish any policies or guidelines concerning  
39 the employment of school attendance officers which serve to  
40 effectuate a uniform system of enforcement under the Mississippi  
41 Compulsory School Attendance Law throughout the state, and to  
42 designate the number of school attendance officers which shall be  
43 employed to serve in each school district area;

44 (b) To supervise and assist school attendance officer  
45 supervisors in the performance of their duties;

46 (c) To establish minimum standards for enrollment and  
47 attendance for the state and each individual school district, and  
48 to monitor the success of the state and districts in achieving the  
49 required levels of performance;

50 (d) To provide to school districts failing to meet the  
51 established standards for enrollment and attendance assistance in  
52 reducing absenteeism or the dropout rates in those districts;

53 (e) To establish any qualifications, in addition to  
54 those required under Section 37-13-89, for school attendance  
55 officers as the office deems necessary to further the purposes of  
56 the Mississippi Compulsory School Attendance Law;

57 (f) To develop and implement a system under which  
58 school districts are required to maintain accurate records that  
59 document enrollment and attendance in such a manner that the  
60 records reflect all changes in enrollment and attendance, and to  
61 require school attendance officers to submit information  
62 concerning public school attendance on a monthly basis to the  
63 office;



64 (g) To prepare the form of the certificate of  
65 enrollment required under the Mississippi Compulsory School  
66 Attendance Law and to furnish a sufficient number of the  
67 certificates of enrollment to each school attendance officer in  
68 the state;

69 (h) To publish a report each year on the work of school  
70 attendance officers in each school district concerning enforcement  
71 of the Mississippi Compulsory School Attendance Law. The report  
72 shall include: figures reflecting school attendance violations  
73 and reductions or increases in the school dropout rates;  
74 information describing attendance-related problems and proposed  
75 solutions for those problems; and any other information that the  
76 State Department of Education may require. The report shall be  
77 submitted to the State Board of Education and the Education  
78 Committees of the Senate and House of Representatives before the  
79 first day of July for the immediately preceding school year;

80 (i) To provide to the State Board of Education  
81 statistical information concerning absenteeism, dropouts and other  
82 attendance-related problems as requested by the State Board of  
83 Education;

84 (j) To provide for the certification of school  
85 attendance officers;

86 (k) To provide for a course of training and education  
87 for school attendance officers, and to require successful  
88 completion of the course as a prerequisite to certification by the  
89 office as school attendance officers;

90 (l) To adopt any guidelines or policies the office  
91 deems necessary to effectuate an orderly transition from the  
92 supervision of school attendance officers by district attorneys to  
93 the supervision by the school attendance officer supervisors;

94 (m) Beginning on July 1, 1998, to require school  
95 attendance officer supervisors to employ persons employed by  
96 district attorneys before July 1, 1998, as school attendance



97 officers without requiring such persons to submit an application  
98 or interview for employment with the State Department of  
99 Education;

100 (n) To adopt policies or guidelines linking the duties  
101 of school attendance officers to the appropriate courts, law  
102 enforcement agencies and community service providers; and

103 (o) To adopt any other policies or guidelines that the  
104 office deems necessary for the enforcement of the Mississippi  
105 Compulsory School Attendance Law; however, the policies or  
106 guidelines shall not add to or contradict with the requirements of  
107 Section 37-13-91.

108 **SECTION 4.** Section 37-13-87, Mississippi Code of 1972, is  
109 reenacted as follows:

110 37-13-87. (1) The Director of the Office of Compulsory  
111 School Attendance Enforcement shall employ three (3) school  
112 attendance officer supervisors, each to maintain an office within  
113 a different Supreme Court district. Each supervisor shall be  
114 responsible for the enforcement of the Mississippi Compulsory  
115 School Attendance Law within his district and shall exercise  
116 direct supervision over the school attendance officers in the  
117 district. The supervisors, who shall report to the director of  
118 the office, shall assist the school attendance officers in the  
119 performance of their duties as established by law or otherwise.

120 (2) No person having less than eight (8) years combined  
121 actual experience as a school attendance officer, school teacher,  
122 school administrator, law enforcement officer possessing a college  
123 degree with a major in a behavioral science or a related field,  
124 and/or social worker in the state shall be employed as a school  
125 attendance officer supervisor. Further, a school attendance  
126 officer supervisor shall possess a college degree with a major in  
127 a behavioral science or a related field or shall have actual  
128 experience as a school teacher, school administrator, law  
129 enforcement officer possessing such degree or social worker;



130 however, these requirements shall not apply to persons employed as  
131 school attendance officers before January 1, 1987. School  
132 attendance officers shall meet any additional qualifications  
133 established by the State Personnel Board for school attendance  
134 officers or school attendance officer supervisors. The school  
135 attendance officer supervisors shall receive an annual salary to  
136 be set by the State Superintendent of Public Education, subject to  
137 the approval of the State Personnel Board.

138 **SECTION 5.** Section 37-13-89, Mississippi Code of 1972, is  
139 reenacted as follows:

140 37-13-89. (1) In each school district within the state,  
141 there shall be employed the number of school attendance officers  
142 determined by the Office of Compulsory School Attendance  
143 Enforcement to be necessary to adequately enforce the provisions  
144 of the Mississippi Compulsory School Attendance Law; however, this  
145 number shall not exceed one hundred fifty-three (153) school  
146 attendance officers at any time. From and after July 1, 1998, all  
147 school attendance officers employed pursuant to this section shall  
148 be employees of the State Department of Education. The State  
149 Department of Education shall employ all persons employed as  
150 school attendance officers by district attorneys before July 1,  
151 1998, and shall assign them to school attendance responsibilities  
152 in the school district in which they were employed before July 1,  
153 1998. The first twelve (12) months of employment for each school  
154 attendance officer shall be the probationary period of state  
155 service.

156 (2) Each school attendance officer shall possess a college  
157 degree with a major in a behavioral science or a related field or  
158 shall have no less than three (3) years combined actual experience  
159 as a school teacher, school administrator, law enforcement officer  
160 possessing such degree, and/or social worker; however, these  
161 requirements shall not apply to persons employed as school  
162 attendance officers before January 1, 1987. School attendance



163 officers also shall satisfy any additional requirements that may  
164 be established by the State Personnel Board for the position of  
165 school attendance officer.

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

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

171 (b) Cooperate with all courts of competent  
172 jurisdiction;

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

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

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

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

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



196 custodian of the requirement for the child's enrollment or  
197 attendance;

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

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

205 (4) While engaged in the performance of his duties, each  
206 school attendance officer shall carry on his person a badge  
207 identifying him as a school attendance officer under the Office of  
208 Compulsory School Attendance Enforcement of the State Department  
209 of Education and an identification card designed by the State  
210 Superintendent of Public Education and issued by the school  
211 attendance officer supervisor. Neither the badge nor the  
212 identification card shall bear the name of any elected public  
213 official.

214 (5) The State Personnel Board shall develop a salary scale  
215 for school attendance officers as part of the variable  
216 compensation plan. The various pay ranges of the salary scale  
217 shall be based upon factors including, but not limited to,  
218 education, professional certification and licensure, and number of  
219 years of experience. Beginning with the 1999-2000 fiscal year,  
220 school attendance officers shall be paid in accordance with this  
221 salary scale. In addition, school attendance officers shall  
222 receive, in the 1999-2000 fiscal year, an increase in salary in  
223 accordance with the state employee pay raise adopted by the 1999  
224 Legislature. The minimum salaries under the scale shall be no  
225 less than the following:

226 (a) For school attendance officers holding a bachelor's  
227 degree or any other attendance officer who does not hold such a  
228 degree, the annual salary shall be based on years of experience as



229 a school attendance officer or related field of service or  
230 employment, no less than as follows:

231	Years of Experience	Salary
232	0 - 4 years	\$19,650.00
233	5 - 8 years	21,550.00
234	9 - 12 years	23,070.00
235	13 - 16 years	24,590.00
236	Over 17 years	26,110.00

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

241	Years of Experience	Salary
242	0 - 4 years	\$20,650.00
243	5 - 8 years	22,950.00
244	9 - 12 years	24,790.00
245	13 - 16 years	26,630.00
246	17 - 20 years	28,470.00
247	Over 21 years	30,310.00

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

253	Years of Experience	Salary
254	0 - 4 years	\$21,450.00
255	5 - 8 years	24,000.00
256	9 - 12 years	26,040.00
257	13 - 16 years	28,080.00
258	17 - 20 years	30,120.00
259	Over 21 years	32,160.00

260 (6) (a) Each school attendance officer employed by a  
261 district attorney on June 30, 1998, who became an employee of the





262 State Department of Education on July 1, 1998, shall be awarded  
263 credit for personal leave and major medical leave for his  
264 continuous service as a school attendance officer under the  
265 district attorney, and if applicable, the youth or family court or  
266 a state agency. The credit for personal leave shall be in an  
267 amount equal to one-third (1/3) of the maximum personal leave the  
268 school attendance officer could have accumulated had he been  
269 credited with such leave under Section 25-3-93 during his  
270 employment with the district attorney, and if applicable, the  
271 youth or family court or a state agency. The credit for major  
272 medical leave shall be in an amount equal to one-half (1/2) of the  
273 maximum major medical leave the school attendance officer could  
274 have accumulated had he been credited with such leave under  
275 Section 25-3-95 during his employment with the district attorney,  
276 and if applicable, the youth or family court or a state agency.  
277 However, if a district attorney who employed a school attendance  
278 officer on June 30, 1998, certifies, in writing, to the State  
279 Department of Education that the school attendance officer had  
280 accumulated, pursuant to a personal leave policy or major medical  
281 leave policy lawfully adopted by the district attorney, a number  
282 of days of unused personal leave or major medical leave, or both,  
283 which is greater than the number of days to which the school  
284 attendance officer is entitled under this paragraph, the State  
285 Department of Education shall authorize the school attendance  
286 officer to retain the actual unused personal leave or major  
287 medical leave, or both, certified by the district attorney,  
288 subject to the maximum amount of personal leave and major medical  
289 leave the school attendance officer could have accumulated had he  
290 been credited with such leave under Sections 25-3-93 and 25-3-95.

291 (b) For the purpose of determining the accrual rate for  
292 personal leave under Section 25-3-93 and major medical leave under  
293 Section 25-3-95, the State Department of Education shall give  
294 consideration to all continuous service rendered by a school



295 attendance officer before July 1, 1998, in addition to the service  
296 rendered by the school attendance officer as an employee of the  
297 department.

298 (c) In order for a school attendance officer to be  
299 awarded credit for personal leave and major medical leave or to  
300 retain the actual unused personal leave and major medical leave  
301 accumulated by him before July 1, 1998, the district attorney who  
302 employed the school attendance officer must certify, in writing,  
303 to the State Department of Education the hire date of the school  
304 attendance officer. For each school attendance officer employed  
305 by the youth or family court or a state agency before being  
306 designated an employee of the district attorney who has not had a  
307 break in continuous service, the hire date shall be the date that  
308 the school attendance officer was hired by the youth or family  
309 court or state agency. The department shall prescribe the date by  
310 which the certification must be received by the department and  
311 shall provide written notice to all district attorneys of the  
312 certification requirement and the date by which the certification  
313 must be received.

314 (7) (a) School attendance officers shall maintain regular  
315 office hours on a year-round basis; however, during the school  
316 term, on those days that teachers in all of the school districts  
317 served by a school attendance officer are not required to report  
318 to work, the school attendance officer also shall not be required  
319 to report to work. (For purposes of this subsection, a school  
320 district's school term is that period of time identified as the  
321 school term in contracts entered into by the district with  
322 licensed personnel.) A school attendance officer shall be  
323 required to report to work on any day recognized as an official  
324 state holiday if teachers in any school district served by that  
325 school attendance officer are required to report to work on that  
326 day, regardless of the school attendance officer's status as an  
327 employee of the State Department of Education, and compensatory



328 leave may not be awarded to the school attendance officer for  
329 working during that day. However, a school attendance officer may  
330 be allowed by the school attendance officer's supervisor to use  
331 earned leave on such days.

332 (b) The State Department of Education annually shall  
333 designate a period of two (2) consecutive weeks in the summer  
334 between school years during which school attendance officers shall  
335 not be required to report to work. A school attendance officer  
336 who elects to work at any time during that period may not be  
337 awarded compensatory leave for such work and may not opt to be  
338 absent from work at any time other than during the two (2) weeks  
339 designated by the department unless the school attendance officer  
340 uses personal leave or major medical leave accrued under Section  
341 25-3-93 or 25-3-95 for such absence.

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

346 **SECTION 6.** Section 9 of Chapter 566, Laws of 1998, is  
347 amended as follows:

348 Section 9. This act shall take effect and be in force from  
349 and after July 1, 1998 \* \* \*.

350 **SECTION 7.** This act shall take effect and be in force from  
351 and after July 1, 2002.

