AN ACT TO REENACT SECTIONS 37-13-81 THROUGH 37-13-89, MISSISSIPPI CODE OF 1972, WHICH ESTABLISH THE OFFICE OF COMPULSORY SCHOOL ATTENDANCE ENFORCEMENT IN THE STATE DEPARTMENT OF EDUCATION, PROVIDE FOR THE EMPLOYMENT OF SCHOOL ATTENDANCE OFFICERS BY THE DEPARTMENT, AND PRESCRIBE THE POWERS AND DUTIES OF SCHOOL ATTENDANCE OFFICERS; TO AMEND SECTION 9, CHAPTER 5, LAWS OF 1998, TO DELETE THE REPEALER ON THOSE STATUTES THAT CREATE THE OFFICE OF COMPULSORY SCHOOL ATTENDANCE ENFORCEMENT AND PRESCRIBE THE POWERS AND DUTIES OF SCHOOL ATTENDANCE OFFICERS; TO CREATE NEW SECTION 37-13-90, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE REPEAL OF THOSE STATUTES THAT CREATE THE OFFICE OF COMPULSORY SCHOOL ATTENDANCE ENFORCEMENT AND PRESCRIBE THE POWERS AND DUTIES OF SCHOOL ATTENDANCE OFFICERS; TO CREATE NEW SECTION 37-13-90, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE REPEAL OF THOSE STATUTES THAT CREATE THE OFFICE OF COMPULSORY SCHOOL ATTENDANCE ENFORCEMENT AND PRESCRIBE THE POWERS AND DUTIES OF SCHOOL ATTENDANCE OFFICERS; TO CREATE A TASK FORCE TO CONDUCT A BEST FINANCIAL MANAGEMENT PRACTICES REVIEW OF THE STATE DEPARTMENT OF EDUCATION TO IMPROVE MISSISSIPPI SCHOOL DISTRICT MANAGEMENT AND USE OF RESOURCES AND IDENTIFY COST SAVINGS; TO DIRECT CERTAIN STATE AGENCIES AND LOCAL SCHOOL DISTRICTS TO COOPERATE AND ASSIST WITH THIS REVIEW; TO PROVIDE FOR A REPORT TO THE 2004 REGULAR SESSION OF THE LEGISLATURE; AND FOR RELATED PURPOSES.

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

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

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

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

37-13-83. The State Superintendent of Public Education shall appoint a director for the Office of Compulsory School Attendance Enforcement, who shall meet all qualifications established for school attendance officer supervisors and any additional qualifications that may be established by the State Superintendent
of Public Education or State Personnel Board. The director shall be responsible for the proper administration of the Office of Compulsory School Attendance Enforcement in conformity with the Mississippi Compulsory School Attendance Law and any other regulations or policies that may be adopted by the State Board of Education.

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

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

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

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

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

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

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

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

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

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

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

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

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

(l) To adopt any guidelines or policies the office deems necessary to effectuate an orderly transition from the
supervision of school attendance officers by district attorneys to 
the supervision by the school attendance officer supervisors; 
(m) Beginning on July 1, 1998, to require school 
attendance officer supervisors to employ persons employed by 
district attorneys before July 1, 1998, as school attendance 
officers without requiring such persons to submit an application 
or interview for employment with the State Department of 
Education; 
(n) To adopt policies or guidelines linking the duties 
of school attendance officers to the appropriate courts, law 
enforcement agencies and community service providers; and 
(o) To adopt any other policies or guidelines that the 
office deems necessary for the enforcement of the Mississippi 
Compulsory School Attendance Law; however, the policies or 
guidelines shall not add to or contradict with the requirements of 
Section 37-13-91.

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

37-13-87. (1) The Director of the Office of Compulsory 
School Attendance Enforcement shall employ three (3) school 
attendance officer supervisors, each to maintain an office within 
a different Supreme Court district. Each supervisor shall be 
responsible for the enforcement of the Mississippi Compulsory 
School Attendance Law within his district and shall exercise 
direct supervision over the school attendance officers in the 
district. The supervisors, who shall report to the director of 
the office, shall assist the school attendance officers in the 
performance of their duties as established by law or otherwise. 
(2) No person having less than eight (8) years combined 
actual experience as a school attendance officer, school teacher, 
school administrator, law enforcement officer possessing a college 
degree with a major in a behavioral science or a related field, 
and/or social worker in the state shall be employed as a school
attendance officer supervisor. Further, a school attendance officer supervisor shall possess a college degree with a major in a behavioral science or a related field or shall have actual experience as a school teacher, school administrator, law enforcement officer possessing such degree or social worker; however, these requirements shall not apply to persons employed as school attendance officers before January 1, 1987. School attendance officers shall meet any additional qualifications established by the State Personnel Board for school attendance officers or school attendance officer supervisors. The school attendance officer supervisors shall receive an annual salary to be set by the State Superintendent of Public Education, subject to the approval of the State Personnel Board.

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

37-13-89. (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 his duties, each school attendance officer shall carry on his person 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>
</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.

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

(c) 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 a year-round basis; however, during the school
term, on those days that teachers in all of the school districts
served by a school attendance officer are not required to report
to work, the school attendance officer also shall not be 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
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) The State Department of Education annually shall designate a period of two (2) consecutive weeks in the summer between school years during which school attendance officers shall not be required to report to work. A school attendance officer who elects to work at any time during that period may not be awarded compensatory leave for such work and may not opt to be absent from work at any time other than during the two (2) weeks designated by the department unless the school attendance officer uses personal leave or major medical leave accrued under Section 25-3-93 or 25-3-95 for such absence.

(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 6. Section 9 of Chapter 566, Laws of 1998, is amended as follows:

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

SECTION 7. The following shall be codified as Section 37-13-90, Mississippi Code of 1972:

SECTION 8. (1) There is created a Task Force to Conduct a Best Financial Management Practices Review of the State Department of Education to improve Mississippi school district management and use of resources and identify cost savings. The membership of the task force shall include the following nine (9) members: (a) the State Superintendent of Public Education, who shall serve as chairman of the task force; (b) the Chairman of the Senate Education Committee, the Chairman of the Senate Appropriations Committee and one (1) member of the Senate appointed by the Lieutenant Governor; (c) the Chairman of the House of Representatives Education Committee, the Chairman of the House Appropriations Committee and one (1) member of the House appointed by the Speaker of the House; (d) one (1) local school superintendent appointed by the Lieutenant Governor; and (e) one (1) representative of the business community appointed by the Speaker of the House of Representatives. The Task Force to Conduct a Best Financial Management Practices Review of the State Department of Education shall study and submit to the Governor and the Legislature for review and adoption proposed revisions to the best financial management practices of the public school system which, at a minimum, shall instill public confidence by: addressing the State Department of Education's and the local school districts' use of resources; identifying ways that the department and the local districts could save funds; and improving the department's and the local school districts' performance accountability systems. To achieve these objectives, best practices shall be developed for, but need not be limited to, the following areas:

(a) The compulsory school attendance officer program;
(b) Management structures, including the size of the department;
(c) Performance accountability;
(d) Efficient delivery of educational services, including instructional materials;
(e) Teacher recruitment, the Mississippi Teacher Center, the Critical Teacher Shortage Act, and employment of recruited teachers by local school districts;
(f) Administrative and instructional technology;
(g) Personnel systems and benefits management;
(h) Facilities construction and maintenance;
(i) Vocational-technical programs;
(j) Teacher licensure;
(k) The Mississippi Adequate Education funding formula;
(l) The number and size of school districts and schools;
(m) Cost control systems and financial auditing of the department and school districts.

In areas for which the department or local school districts have not adopted the best practices, the task force may develop revised practices, with input from a broad range of stakeholders.

(2) The task force shall make a report of its findings and recommendations, including necessary legislation, to the Legislature, the Lieutenant Governor and the Governor for implementation in the 2004 Regular Session.

(3) The task force shall meet on the call of the chairman and shall organize by selecting from its membership a vice chairman, who also shall serve as secretary and shall be responsible for keeping all records of the task force. A majority of the members of the task force shall constitute a quorum. All members shall be notified in writing of all meetings, with such notices to be mailed at least five (5) days before the date on which a meeting is to be held.

(4) Legislative members of the task force shall be paid from the contingent expense funds of their respective houses in the same amounts as provided for committee meetings when the
Legislature is not in session. Nonlegislative members of the task force who are not state employees or local school district employees shall be reimbursed for actual necessary expenses in attending called meetings of the task force, to be paid from any funds made available for such purpose by the Legislature.

(5) All agencies and divisions of agencies affected by this study and review are directed to cooperate with the Task Force to Conduct a Best Financial Management Practices Review of the State Department of Education, specifically the State Department of Education, the Board of Trustees of State Institutions of Higher Learning, and the State Board for Community and Junior Colleges, in formulating and preparing the task force's recommendations.

(6) The task force may select a consultant or consultants to conduct the study mandated under this section, subject to specific appropriation therefor by the Legislature, and following the applicable regulations of the Personal Service Contract Review Board.

(7) The task force may utilize staff already employed by the agencies and school districts affected by this study and any other assistance made available to it.

(8) Upon presentation of its final report, the task force shall be dissolved.

SECTION 9. This act shall take effect and be in force from and after July 1, 2002.