

By: Senator(s) Harden

To: Education;
Appropriations

SENATE BILL NO. 2284

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

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

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

11 37-13-81. There is created the Office of Compulsory School
12 Attendance Enforcement within the State Department of Education.
13 The office shall be responsible for the administration of a
14 statewide system of enforcement of the Mississippi Compulsory
15 School Attendance Law (Section 37-13-91) and for the supervision
16 of school attendance officers throughout the state.

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

19 37-13-83. The State Superintendent of Public Education shall
20 appoint a director for the Office of Compulsory School Attendance
21 Enforcement, who shall meet all qualifications established for
22 school attendance officer supervisors and any additional
23 qualifications that may be established by the State Superintendent
24 of Public Education or State Personnel Board. The director shall
25 be responsible for the proper administration of the Office of
26 Compulsory School Attendance Enforcement in conformity with the
27 Mississippi Compulsory School Attendance Law and any other
28 regulations or policies that may be adopted by the State Board of
29 Education.



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

32 37-13-85. The Office of Compulsory School Attendance
33 Enforcement shall have the following powers and duties, in
34 addition to all others imposed or granted by law:

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

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

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

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

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

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

61 (g) To prepare the form of the certificate of
62 enrollment required under the Mississippi Compulsory School



63 Attendance Law and to furnish a sufficient number of the
64 certificates of enrollment to each school attendance officer in
65 the state;

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

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

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

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

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

91 (m) Beginning on July 1, 1998, to require school
92 attendance officer supervisors to employ persons employed by
93 district attorneys before July 1, 1998, as school attendance
94 officers without requiring such persons to submit an application



95 or interview for employment with the State Department of
96 Education;

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

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

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

107 37-13-87. (1) The Director of the Office of Compulsory
108 School Attendance Enforcement shall employ three (3) school
109 attendance officer supervisors, each to maintain an office within
110 a different Supreme Court district. Each supervisor shall be
111 responsible for the enforcement of the Mississippi Compulsory
112 School Attendance Law within his district and shall exercise
113 direct supervision over the school attendance officers in the
114 district. The supervisors, who shall report to the director of
115 the office, shall assist the school attendance officers in the
116 performance of their duties as established by law or otherwise.

117 (2) No person having less than eight (8) years combined
118 actual experience as a school attendance officer, school teacher,
119 school administrator, law enforcement officer possessing a college
120 degree with a major in a behavioral science or a related field,
121 and/or social worker in the state shall be employed as a school
122 attendance officer supervisor. Further, a school attendance
123 officer supervisor shall possess a college degree with a major in
124 a behavioral science or a related field or shall have actual
125 experience as a school teacher, school administrator, law
126 enforcement officer possessing such degree or social worker;
127 however, these requirements shall not apply to persons employed as



128 school attendance officers before January 1, 1987. School
129 attendance officers shall meet any additional qualifications
130 established by the State Personnel Board for school attendance
131 officers or school attendance officer supervisors. The school
132 attendance officer supervisors shall receive an annual salary to
133 be set by the State Superintendent of Public Education, subject to
134 the approval of the State Personnel Board.

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

137 37-13-89. (1) In each school district within the state,
138 there shall be employed the number of school attendance officers
139 determined by the Office of Compulsory School Attendance
140 Enforcement to be necessary to adequately enforce the provisions
141 of the Mississippi Compulsory School Attendance Law; however, this
142 number shall not exceed one hundred fifty-three (153) school
143 attendance officers at any time. From and after July 1, 1998, all
144 school attendance officers employed pursuant to this section shall
145 be employees of the State Department of Education. The State
146 Department of Education shall employ all persons employed as
147 school attendance officers by district attorneys before July 1,
148 1998, and shall assign them to school attendance responsibilities
149 in the school district in which they were employed before July 1,
150 1998. The first twelve (12) months of employment for each school
151 attendance officer shall be the probationary period of state
152 service.

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



161 be established by the State Personnel Board for the position of
162 school attendance officer.

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

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

168 (b) Cooperate with all courts of competent
169 jurisdiction;

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

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

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

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

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



193 custodian of the requirement for the child's enrollment or
194 attendance;

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

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

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

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

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



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

228	Years of Experience	Salary
229	0 - 4 years	\$19,650.00
230	5 - 8 years	21,550.00
231	9 - 12 years	23,070.00
232	13 - 16 years	24,590.00
233	Over 17 years	26,110.00

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

238	Years of Experience	Salary
239	0 - 4 years	\$20,650.00
240	5 - 8 years	22,950.00
241	9 - 12 years	24,790.00
242	13 - 16 years	26,630.00
243	17 - 20 years	28,470.00
244	Over 21 years	30,310.00

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

250	Years of Experience	Salary
251	0 - 4 years	\$21,450.00
252	5 - 8 years	24,000.00
253	9 - 12 years	26,040.00
254	13 - 16 years	28,080.00
255	17 - 20 years	30,120.00
256	Over 21 years	32,160.00

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



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

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



292 attendance officer before July 1, 1998, in addition to the service
293 rendered by the school attendance officer as an employee of the
294 department.

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

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



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

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

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

343 **SECTION 6.** Section 9 of Chapter 566, Laws of 1998, is
344 amended to read as follows:

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

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

