

*****Adopted***
AMENDMENT No. 1 PROPOSED TO**

House Bill NO. 492

By Senator(s) Committee

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

16 SECTION 1. (1) There is hereby created a Task Force to
17 Conduct a Best Financial Management Practices Review of the State
18 Department of Education to improve Mississippi school district
19 management and use of resources and identify cost savings. The
20 membership of the Task Force shall include the following nine (9)
21 members: (a) the State Superintendent of Education, who shall
22 serve as Chairman of the Task Force; (b) the Chairman of the
23 Senate Education Committee, the Chairman of the Senate
24 Appropriations Committee and one (1) member of the Senate
25 appointed by the Lieutenant Governor; (c) the Chairman of the
26 House of Representatives Education Committee, the Chairman of the
27 House Appropriations Committee and one (1) member of the House
28 appointed by the Speaker of the House; (d) one (1) local school
29 superintendent appointed by the Lieutenant Governor; and (e) one
30 (1) representative of the business community appointed by the
31 Speaker of the House of Representatives. The Task Force to
32 Conduct a Best Financial Management Practices Review of the State
33 Department of Education study and submit to the Governor and the
34 Legislature for review and adoption proposed revisions to the best
35 financial management practices of the public school system which,

36 at a minimum, shall instill public confidence by addressing the
37 State Department of Education's and the local school districts'
38 use of resources; identifying ways that the department and the
39 local districts could save funds; and improving the department's
40 and the local school districts' performance accountability
41 systems. To achieve these objectives, best practices shall be
42 developed for, but need be limited to, the following areas:

43 (a) The compulsory school attendance officers program;

44 (b) Management structures, including the size of the
45 department;

46 (c) Performance accountability;

47 (d) Efficient delivery of educational services,
48 including instructional materials;

49 (e) Teacher recruitment, the Mississippi Teacher
50 Center, the Critical Teacher Shortage Act, and employment of
51 recruited teachers by local school districts;

52 (f) Administrative and instructional technology;

53 (g) Personnel systems and benefits management;

54 (h) Facilities construction and maintenance;

55 (i) Vocational-technical programs;

56 (j) Teacher certification;

57 (k) The Mississippi Adequate Education Funding Formula;

58 (l) The number and size of school districts and
59 schools;

60 (m) Cost control systems and financial auditing of the
61 department and school districts.

62 In areas for which the department or local school districts
63 have not adopted the best practices, the Task Force may develop
64 revised practices, with input from a broad range of stakeholders.
65

66 (2) The Task Force shall make a report of its findings and
67 recommendations, including necessary legislation, to the
68 Legislature, the Lieutenant Governor and the Governor for
69 implementation in the 2003 Regular Session. The Task Force may
70 recommend continuation of its review until the 2004 Regular

71 Session if it is unable to complete its responsibilities.

72 (3) The Task Force shall meet on the call of the chairman
73 and shall organize by selecting from its membership a vice
74 chairman who shall also serve as secretary and shall be
75 responsible for keeping all records of the Task Force. A majority
76 of the members of the committee shall constitute a quorum. All
77 members shall be notified in writing of all meetings, such notices
78 to be mailed at least five (5) days prior to the date on which a
79 meeting is to be held.

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

88 (5) All agencies and divisions of agencies affected by this
89 study and review are hereby directed to cooperate with the Task
90 Force to Conduct a Best Financial Management Practices Review of
91 the State Department of Education, specifically the State
92 Department of Education, the Board of Trustees of State
93 Institutions of Higher Learning, and the State Board for Community
94 and Junior Colleges, in formulating and preparing its
95 recommendations.

96 (6) The Task Force is empowered to select a consultant or
97 consultants to conduct the study mandated under this section,
98 subject to specific appropriation therefor by the Legislature, and
99 following the applicable regulations of the Personal Service
100 Contract Review Board.

101 (7) The Task Force is empowered to utilize staff already
102 employed by the agencies and school districts affected by this
103 study and any other assistance made available to it.

104 (8) Upon presentation of its final report, the Task Force
105 shall be dissolved.

106 **SECTION 2.** Section 37-13-81, Mississippi Code of 1972, is
107 reenacted and amended as follows:

108 37-13-81. There is created the Office of Compulsory School
109 Attendance Enforcement within the State Department of Education.
110 The office shall be responsible for the administration of a
111 statewide system of enforcement of the Mississippi Compulsory
112 School Attendance Law (Section 37-13-91) and for the supervision
113 of school attendance officers throughout the state.

114 This section shall stand repealed from and after July 1,
115 2003.

116 **SECTION 3.** Section 37-13-83, Mississippi Code of 1972, is
117 reenacted and amended as follows:

118 37-13-83. The State Superintendent of Public Education shall
119 appoint a director for the Office of Compulsory School Attendance
120 Enforcement, who shall meet all qualifications established for
121 school attendance officer supervisors and any additional
122 qualifications that may be established by the State Superintendent
123 of Public Education or State Personnel Board. The director shall
124 be responsible for the proper administration of the Office of
125 Compulsory School Attendance Enforcement in conformity with the
126 Mississippi Compulsory School Attendance Law and any other
127 regulations or policies that may be adopted by the State Board of
128 Education.

129 This section shall stand repealed from and after July 1,
130 2003.

131 **SECTION 4.** Section 37-13-85, Mississippi Code of 1972, is
132 reenacted and amended as follows:

133 37-13-85. The Office of Compulsory School Attendance
134 Enforcement shall have the following powers and duties, in
135 addition to all others imposed or granted by law:

136 (a) To establish any policies or guidelines concerning
137 the employment of school attendance officers which serve to
138 effectuate a uniform system of enforcement under the Mississippi
139 Compulsory School Attendance Law throughout the state, and to
140 designate the number of school attendance officers which shall be

141 employed to serve in each school district area;

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

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

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

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

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

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

167 (h) To publish a report each year on the work of school
168 attendance officers in each school district concerning enforcement
169 of the Mississippi Compulsory School Attendance Law. The report
170 shall include: figures reflecting school attendance violations
171 and reductions or increases in the school dropout rates;
172 information describing attendance-related problems and proposed
173 solutions for those problems; and any other information that the
174 State Department of Education may require. The report shall be
175 submitted to the State Board of Education and the Education

176 Committees of the Senate and House of Representatives before the
177 first day of July for the immediately preceding school year;

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

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

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

188 (l) To adopt any guidelines or policies the office
189 deems necessary to effectuate an orderly transition from the
190 supervision of school attendance officers by district attorneys to
191 the supervision by the school attendance officer supervisors;

192 (m) Beginning on July 1, 1998, to require school
193 attendance officer supervisors to employ persons employed by
194 district attorneys before July 1, 1998, as school attendance
195 officers without requiring such persons to submit an application
196 or interview for employment with the State Department of
197 Education;

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

201 (o) To adopt any other policies or guidelines that the
202 office deems necessary for the enforcement of the Mississippi
203 Compulsory School Attendance Law; however, the policies or
204 guidelines shall not add to or contradict with the requirements of
205 Section 37-13-91.

206 This section shall stand repealed from and after July 1,
207 2003.

208 **SECTION 5.** Section 37-13-87, Mississippi Code of 1972, is
209 reenacted and amended as follows:

210 37-13-87. (1) The Director of the Office of Compulsory

211 School Attendance Enforcement shall employ three (3) school
212 attendance officer supervisors, each to maintain an office within
213 a different Supreme Court district. Each supervisor shall be
214 responsible for the enforcement of the Mississippi Compulsory
215 School Attendance Law within his district and shall exercise
216 direct supervision over the school attendance officers in the
217 district. The supervisors, who shall report to the director of
218 the office, shall assist the school attendance officers in the
219 performance of their duties as established by law or otherwise.

220 (2) No person having less than eight (8) years combined
221 actual experience as a school attendance officer, school teacher,
222 school administrator, law enforcement officer possessing a college
223 degree with a major in a behavioral science or a related field,
224 and/or social worker in the state shall be employed as a school
225 attendance officer supervisor. Further, a school attendance
226 officer supervisor shall possess a college degree with a major in
227 a behavioral science or a related field or shall have actual
228 experience as a school teacher, school administrator, law
229 enforcement officer possessing such degree or social worker;
230 however, these requirements shall not apply to persons employed as
231 school attendance officers before January 1, 1987. School
232 attendance officers shall meet any additional qualifications
233 established by the State Personnel Board for school attendance
234 officers or school attendance officer supervisors. The school
235 attendance officer supervisors shall receive an annual salary to
236 be set by the State Superintendent of Public Education, subject to
237 the approval of the State Personnel Board.

238 This section shall stand repealed from and after July 1,
239 2003.

240 **SECTION 6.** Section 37-13-89, Mississippi Code of 1972, is
241 reenacted and amended as follows:

242 37-13-89. (1) In each school district within the state,
243 there shall be employed the number of school attendance officers
244 determined by the Office of Compulsory School Attendance
245 Enforcement to be necessary to adequately enforce the provisions

246 of the Mississippi Compulsory School Attendance Law; however, this
247 number shall not exceed one hundred fifty-three (153) school
248 attendance officers at any time. From and after July 1, 1998, all
249 school attendance officers employed pursuant to this section shall
250 be employees of the State Department of Education. The State
251 Department of Education shall employ all persons employed as
252 school attendance officers by district attorneys before July 1,
253 1998, and shall assign them to school attendance responsibilities
254 in the school district in which they were employed before July 1,
255 1998. The first twelve (12) months of employment for each school
256 attendance officer shall be the probationary period of state
257 service.

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

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

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

273 (b) Cooperate with all courts of competent
274 jurisdiction;

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

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

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

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

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

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

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

307 (4) While engaged in the performance of his duties, each
308 school attendance officer shall carry on his person a badge
309 identifying him as a school attendance officer under the Office of
310 Compulsory School Attendance Enforcement of the State Department
311 of Education and an identification card designed by the State
312 Superintendent of Public Education and issued by the school
313 attendance officer supervisor. Neither the badge nor the
314 identification card shall bear the name of any elected public
315 official.

316 (5) The State Personnel Board shall develop a salary scale
317 for school attendance officers as part of the variable
318 compensation plan. The various pay ranges of the salary scale
319 shall be based upon factors including, but not limited to,
320 education, professional certification and licensure, and number of
321 years of experience. Beginning with the 1999-2000 fiscal year,
322 school attendance officers shall be paid in accordance with this
323 salary scale. In addition, school attendance officers shall
324 receive, in the 1999-2000 fiscal year, an increase in salary in
325 accordance with the state employee pay raise adopted by the 1999
326 Legislature. The minimum salaries under the scale shall be no
327 less than the following:

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

333	Years of Experience	Salary
334	0 - 4 years	\$19,650.00
335	5 - 8 years	21,550.00
336	9 - 12 years	23,070.00
337	13 - 16 years	24,590.00
338	Over 17 years	26,110.00

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

343	Years of Experience	Salary
344	0 - 4 years	\$20,650.00
345	5 - 8 years	22,950.00
346	9 - 12 years	24,790.00
347	13 - 16 years	26,630.00
348	17 - 20 years	28,470.00
349	Over 21 years	30,310.00

350 (c) For school attendance officers holding a master's

351 degree in a behavioral science or a related field, the annual
352 salary shall be based on years of experience as a school
353 attendance officer or related field of service or employment, no
354 less than as follows:

355	Years of Experience	Salary
356	0 - 4 years	\$21,450.00
357	5 - 8 years	24,000.00
358	9 - 12 years	26,040.00
359	13 - 16 years	28,080.00
360	17 - 20 years	30,120.00
361	Over 21 years	32,160.00

362 (6) (a) Each school attendance officer employed by a
363 district attorney on June 30, 1998, who became an employee of the
364 State Department of Education on July 1, 1998, shall be awarded
365 credit for personal leave and major medical leave for his
366 continuous service as a school attendance officer under the
367 district attorney, and if applicable, the youth or family court or
368 a state agency. The credit for personal leave shall be in an
369 amount equal to one-third (1/3) of the maximum personal leave the
370 school attendance officer could have accumulated had he been
371 credited with such leave under Section 25-3-93 during his
372 employment with the district attorney, and if applicable, the
373 youth or family court or a state agency. The credit for major
374 medical leave shall be in an amount equal to one-half (1/2) of the
375 maximum major medical leave the school attendance officer could
376 have accumulated had he been credited with such leave under
377 Section 25-3-95 during his employment with the district attorney,
378 and if applicable, the youth or family court or a state agency.
379 However, if a district attorney who employed a school attendance
380 officer on June 30, 1998, certifies, in writing, to the State
381 Department of Education that the school attendance officer had
382 accumulated, pursuant to a personal leave policy or major medical
383 leave policy lawfully adopted by the district attorney, a number
384 of days of unused personal leave or major medical leave, or both,
385 which is greater than the number of days to which the school

386 attendance officer is entitled under this paragraph, the State
387 Department of Education shall authorize the school attendance
388 officer to retain the actual unused personal leave or major
389 medical leave, or both, certified by the district attorney,
390 subject to the maximum amount of personal leave and major medical
391 leave the school attendance officer could have accumulated had he
392 been credited with such leave under Sections 25-3-93 and 25-3-95.

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

400 (c) In order for a school attendance officer to be
401 awarded credit for personal leave and major medical leave or to
402 retain the actual unused personal leave and major medical leave
403 accumulated by him before July 1, 1998, the district attorney who
404 employed the school attendance officer must certify, in writing,
405 to the State Department of Education the hire date of the school
406 attendance officer. For each school attendance officer employed
407 by the youth or family court or a state agency before being
408 designated an employee of the district attorney who has not had a
409 break in continuous service, the hire date shall be the date that
410 the school attendance officer was hired by the youth or family
411 court or state agency. The department shall prescribe the date by
412 which the certification must be received by the department and
413 shall provide written notice to all district attorneys of the
414 certification requirement and the date by which the certification
415 must be received.

416 (7) (a) School attendance officers shall maintain regular
417 office hours on a year-round basis; however, during the school
418 term, on those days that teachers in all of the school districts
419 served by a school attendance officer are not required to report
420 to work, the school attendance officer also shall not be required

421 to report to work. (For purposes of this subsection, a school
422 district's school term is that period of time identified as the
423 school term in contracts entered into by the district with
424 licensed personnel.) A school attendance officer shall be
425 required to report to work on any day recognized as an official
426 state holiday if teachers in any school district served by that
427 school attendance officer are required to report to work on that
428 day, regardless of the school attendance officer's status as an
429 employee of the State Department of Education, and compensatory
430 leave may not be awarded to the school attendance officer for
431 working during that day. However, a school attendance officer may
432 be allowed by the school attendance officer's supervisor to use
433 earned leave on such days.

434 (b) The State Department of Education annually shall
435 designate a period of two (2) consecutive weeks in the summer
436 between school years during which school attendance officers shall
437 not be required to report to work. A school attendance officer
438 who elects to work at any time during that period may not be
439 awarded compensatory leave for such work and may not opt to be
440 absent from work at any time other than during the two (2) weeks
441 designated by the department unless the school attendance officer
442 uses personal leave or major medical leave accrued under Section
443 25-3-93 or 25-3-95 for such absence.

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

448 This section shall stand repealed from and after July 1,
449 2003.

450 **SECTION 7.** Section 9 of Chapter 566, Laws of 1998, is
451 amended to read as follows:

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

454 **SECTION 8.** This act shall take effect and be in force from
455 and after June 30, 2002.

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

1 AN ACT TO CREATE A TASK FORCE TO CONDUCT A BEST FINANCIAL
2 MANAGEMENT PRACTICES REVIEW OF THE STATE DEPARTMENT OF EDUCATION
3 TO IMPROVE MISSISSIPPI SCHOOL DISTRICT MANAGEMENT AND USE OF
4 RESOURCES AND IDENTIFY COST SAVINGS; TO DIRECT CERTAIN STATE
5 AGENCIES AND LOCAL SCHOOL DISTRICTS TO COOPERATE AND ASSIST WITH
6 THIS REVIEW; TO PROVIDE FOR A REPORT TO THE 2003 REGULAR SESSION
7 OF THE LEGISLATURE; TO REENACT AND AMEND SECTIONS 37-13-81 THROUGH
8 37-13-89, MISSISSIPPI CODE OF 1972, WHICH CREATE AND EMPOWER THE
9 OFFICE OF COMPULSORY SCHOOL ATTENDANCE ENFORCEMENT IN THE STATE
10 DEPARTMENT OF EDUCATION, AND TO AMEND SECTION 9 OF CHAPTER 566,
11 LAWS OF 1998, TO EXTEND THE REPEALER ON THOSE STATUTES WHICH
12 CREATE AND EMPOWER THE OFFICE OF COMPULSORY SCHOOL ATTENDANCE
13 ENFORCEMENT IN THE STATE DEPARTMENT OF EDUCATION; AND FOR RELATED
14 PURPOSES.