

By: Representative Watson

To: Education;  
Appropriations

HOUSE BILL NO. 416

1 AN ACT TO REENACT SECTIONS 37-13-81 THROUGH 37-13-89,  
2 MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE OFFICE OF  
3 COMPULSORY SCHOOL ATTENDANCE ENFORCEMENT WITHIN THE STATE  
4 DEPARTMENT OF EDUCATION; TO AMEND SECTION 37-13-90, MISSISSIPPI  
5 CODE OF 1972, TO EXTEND THE DATE OF REPEAL ON THE OFFICE OF  
6 COMPULSORY SCHOOL ATTENDANCE ENFORCEMENT; AND FOR RELATED  
7 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) (a) The State Department of Education shall obtain  
154 current criminal records background checks and current child abuse  
155 registry checks on all persons applying for the position of school  
156 attendance officer after July 2, 2002. The criminal records  
157 information and registry checks must be kept on file for any new  
158 hires. In order to determine an applicant's suitability for  
159 employment as a school attendance officer, the applicant must be  
160 fingerprinted. If no disqualifying record is identified at the



161 state level, the Department of Public Safety shall forward the  
162 fingerprints to the Federal Bureau of Investigation (FBI) for a  
163 national criminal history record check. The applicant shall pay  
164 the fee, not to exceed Fifty Dollars (\$50.00), for the  
165 fingerprinting and criminal records background check; however, the  
166 State Department of Education, in its discretion, may pay the fee  
167 for the fingerprinting and criminal records background check on  
168 behalf of any applicant. Under no circumstances may a member of  
169 the State Board of Education, employee of the State Department of  
170 Education or any person other than the subject of the criminal  
171 records background check disseminate information received through  
172 any such checks except insofar as required to fulfill the purposes  
173 of this subsection.

174 (b) If the fingerprinting or criminal records check  
175 discloses a felony conviction, guilty plea or plea of nolo  
176 contendere to a felony of possession or sale of drugs, murder,  
177 manslaughter, armed robbery, rape, sexual battery, sex offense  
178 listed in Section 45-33-23(g), child abuse, arson, grand larceny,  
179 burglary, gratification of lust or aggravated assault which has  
180 not been reversed on appeal or for which a pardon has not been  
181 granted, the applicant is not eligible to be employed as a school  
182 attendance officer. Any employment of an applicant pending the  
183 results of the fingerprinting and criminal records check is  
184 voidable if the new hire receives a disqualifying criminal records  
185 check. However, the State Board of Education, in its discretion,  
186 may allow an applicant aggrieved by an employment decision under  
187 this subsection to appear before the board, or before a hearing  
188 officer designated for that purpose, to show mitigating  
189 circumstances that may exist and allow the new hire to be employed  
190 as a school attendance officer. The State Board of Education may  
191 grant waivers for mitigating circumstances, which may include, but  
192 are not necessarily limited to: (i) age at which the crime was  
193 committed; (ii) circumstances surrounding the crime; (iii) length



194 of time since the conviction and criminal history since the  
195 conviction; (iv) work history; (v) current employment and  
196 character references; and (vi) other evidence demonstrating the  
197 ability of the person to perform the responsibilities of a school  
198 attendance officer competently and that the person does not pose a  
199 threat to the health or safety of children.

200 (c) A member of the State Board of Education or  
201 employee of the State Department of Education may not be held  
202 liable in any employment discrimination suit in which an  
203 allegation of discrimination is made regarding an employment  
204 decision authorized under this section.

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

215 (4) It shall be the duty of each school attendance officer  
216 to:

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

220 (b) Cooperate with all courts of competent  
221 jurisdiction;

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



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

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

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

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

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

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

254 (5) While engaged in the performance of his duties, each  
255 school attendance officer shall carry on his person a badge  
256 identifying him as a school attendance officer under the Office of  
257 Compulsory School Attendance Enforcement of the State Department





258 of Education and an identification card designed by the State  
259 Superintendent of Public Education and issued by the school  
260 attendance officer supervisor. Neither the badge nor the  
261 identification card shall bear the name of any elected public  
262 official.

263 (6) The State Personnel Board shall develop a salary scale  
264 for school attendance officers as part of the variable  
265 compensation plan. The various pay ranges of the salary scale  
266 shall be based upon factors including, but not limited to,  
267 education, professional certification and licensure, and number of  
268 years of experience. School attendance officers shall be paid in  
269 accordance with this salary scale. The minimum salaries under the  
270 scale shall be no less than the following:

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

276	Years of Experience	Salary
277	0 - 4 years	\$19,650.00
278	5 - 8 years	21,550.00
279	9 - 12 years	23,070.00
280	13 - 16 years	24,590.00
281	Over 17 years	26,110.00

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

286	Years of Experience	Salary
287	0 - 4 years	\$20,650.00
288	5 - 8 years	22,950.00
289	9 - 12 years	24,790.00
290	13 - 16 years	26,630.00



291 17 - 20 years 28,470.00

292 Over 21 years 30,310.00

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

298	Years of Experience	Salary
299	0 - 4 years	\$21,450.00
300	5 - 8 years	24,000.00
301	9 - 12 years	26,040.00
302	13 - 16 years	28,080.00
303	17 - 20 years	30,120.00
304	Over 21 years	32,160.00

305 (7) (a) Each school attendance officer employed by a  
306 district attorney on June 30, 1998, who became an employee of the  
307 State Department of Education on July 1, 1998, shall be awarded  
308 credit for personal leave and major medical leave for his  
309 continuous service as a school attendance officer under the  
310 district attorney, and if applicable, the youth or family court or  
311 a state agency. The credit for personal leave shall be in an  
312 amount equal to one-third (1/3) of the maximum personal leave the  
313 school attendance officer could have accumulated had he been  
314 credited with such leave under Section 25-3-93 during his  
315 employment with the district attorney, and if applicable, the  
316 youth or family court or a state agency. The credit for major  
317 medical leave shall be in an amount equal to one-half (1/2) of the  
318 maximum major medical leave the school attendance officer could  
319 have accumulated had he been credited with such leave under  
320 Section 25-3-95 during his employment with the district attorney,  
321 and if applicable, the youth or family court or a state agency.  
322 However, if a district attorney who employed a school attendance  
323 officer on June 30, 1998, certifies, in writing, to the State



324 Department of Education that the school attendance officer had  
325 accumulated, pursuant to a personal leave policy or major medical  
326 leave policy lawfully adopted by the district attorney, a number  
327 of days of unused personal leave or major medical leave, or both,  
328 which is greater than the number of days to which the school  
329 attendance officer is entitled under this paragraph, the State  
330 Department of Education shall authorize the school attendance  
331 officer to retain the actual unused personal leave or major  
332 medical leave, or both, certified by the district attorney,  
333 subject to the maximum amount of personal leave and major medical  
334 leave the school attendance officer could have accumulated had he  
335 been credited with such leave under Sections 25-3-93 and 25-3-95.

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

343 (c) In order for a school attendance officer to be  
344 awarded credit for personal leave and major medical leave or to  
345 retain the actual unused personal leave and major medical leave  
346 accumulated by him before July 1, 1998, the district attorney who  
347 employed the school attendance officer must certify, in writing,  
348 to the State Department of Education the hire date of the school  
349 attendance officer. For each school attendance officer employed  
350 by the youth or family court or a state agency before being  
351 designated an employee of the district attorney who has not had a  
352 break in continuous service, the hire date shall be the date that  
353 the school attendance officer was hired by the youth or family  
354 court or state agency. The department shall prescribe the date by  
355 which the certification must be received by the department and  
356 shall provide written notice to all district attorneys of the



357 certification requirement and the date by which the certification  
358 must be received.

359       (8) (a) School attendance officers shall maintain regular  
360 office hours on a year-round basis; however, during the school  
361 term, on those days that teachers in all of the school districts  
362 served by a school attendance officer are not required to report  
363 to work, the school attendance officer also shall not be required  
364 to report to work. (For purposes of this subsection, a school  
365 district's school term is that period of time identified as the  
366 school term in contracts entered into by the district with  
367 licensed personnel.) A school attendance officer shall be  
368 required to report to work on any day recognized as an official  
369 state holiday if teachers in any school district served by that  
370 school attendance officer are required to report to work on that  
371 day, regardless of the school attendance officer's status as an  
372 employee of the State Department of Education, and compensatory  
373 leave may not be awarded to the school attendance officer for  
374 working during that day. However, a school attendance officer may  
375 be allowed by the school attendance officer's supervisor to use  
376 earned leave on such days.

377       (b) The State Department of Education annually shall  
378 designate a period of two (2) consecutive weeks in the summer  
379 between school years during which school attendance officers shall  
380 not be required to report to work. A school attendance officer  
381 who elects to work at any time during that period may not be  
382 awarded compensatory leave for such work and may not opt to be  
383 absent from work at any time other than during the two (2) weeks  
384 designated by the department unless the school attendance officer  
385 uses personal leave or major medical leave accrued under Section  
386 25-3-93 or 25-3-95 for such absence.

387       (9) The State Department of Education shall provide all  
388 continuing education and training courses that school attendance



389 officers are required to complete under state law or rules and  
390 regulations of the department.

391         **SECTION 6.** Section 37-13-90, Mississippi Code of 1972, is  
392 amended as follows:

393         37-13-90. Sections 37-13-81 through 37-13-90 shall stand  
394 repealed on July 1, 2006.

395         **SECTION 7.** This act shall take effect and be in force from  
396 and after July 1, 2004.

