

By: Representatives Pierce, Scott

To: Education;
Appropriations

HOUSE BILL NO. 663

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 REPEAL SECTION 37-13-90, MISSISSIPPI
5 CODE OF 1972, WHICH PROVIDES FOR A REPEALER 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, which
392 provides for a repealer on the Office of Compulsory School
393 Attendance Enforcement, is repealed.

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