

By: Representatives Pierce, Scott

To: Education;
Appropriations

HOUSE BILL NO. 663
(As Passed the House)

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 REENACTED SECTION 37-13-85,
5 MISSISSIPPI CODE OF 1972, TO REQUIRE SCHOOL ATTENDANCE OFFICERS TO
6 PROVIDE INFORMATION REFLECTING THE NUMBER OF STUDENTS BY SCHOOL
7 DISTRICT THAT WERE ADJUDICATED TO TRAINING SCHOOLS AND THE NUMBER
8 OF DAYS THE STUDENT ATTENDED THE TRAINING SCHOOL WITHIN A SCHOOL
9 YEAR TO THE STATE DEPARTMENT OF EDUCATION, TO BE INCLUDED IN THE
10 DEPARTMENT'S ANNUAL REPORT; TO REPEAL SECTION 37-13-90,
11 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR A REPEALER ON THE
12 OFFICE OF COMPULSORY SCHOOL ATTENDANCE ENFORCEMENT; AND FOR
13 RELATED PURPOSES.

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

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

17 37-13-81. There is created the Office of Compulsory School
18 Attendance Enforcement within the State Department of Education.
19 The office shall be responsible for the administration of a
20 statewide system of enforcement of the Mississippi Compulsory
21 School Attendance Law (Section 37-13-91) and for the supervision
22 of school attendance officers throughout the state.

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

25 37-13-83. The State Superintendent of Public Education shall
26 appoint a director for the Office of Compulsory School Attendance
27 Enforcement, who shall meet all qualifications established for
28 school attendance officer supervisors and any additional
29 qualifications that may be established by the State Superintendent
30 of Public Education or State Personnel Board. The director shall
31 be responsible for the proper administration of the Office of
32 Compulsory School Attendance Enforcement in conformity with the

33 Mississippi Compulsory School Attendance Law and any other
34 regulations or policies that may be adopted by the State Board of
35 Education.

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

38 37-13-85. The Office of Compulsory School Attendance
39 Enforcement shall have the following powers and duties, in
40 addition to all others imposed or granted by law:

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

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

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

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

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

60 (f) To develop and implement a system under which
61 school districts are required to maintain accurate records that
62 document enrollment and attendance in such a manner that the
63 records reflect all changes in enrollment and attendance, and to
64 require school attendance officers to submit information

65 concerning public school attendance on a monthly basis to the
66 office;

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

72 (h) To publish a report each year on the work of school
73 attendance officers in each school district concerning enforcement
74 of the Mississippi Compulsory School Attendance Law. The report
75 shall include: figures reflecting school attendance violations
76 and reductions or increases in the school dropout rates;
77 information describing attendance-related problems and proposed
78 solutions for those problems; and any other information that the
79 State Department of Education may require. In addition, the
80 school attendance officers shall provide figures and information
81 reflecting the number of students by school district that were
82 adjudicated to Oakley or Columbia Training School and the number
83 of days the student attended the training school within a school
84 year to the State Department of Education no later than June 15 of
85 each year to be included in the State Department of Education's
86 annual report. The report shall be submitted to the State Board
87 of Education and the Education Committees of the Senate and House
88 of Representatives before the first day of August for the
89 immediately preceding school year;

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

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

96 (k) To provide for a course of training and education
97 for school attendance officers, and to require successful

98 completion of the course as a prerequisite to certification by the
99 office as school attendance officers;

100 (l) To adopt any guidelines or policies the office
101 deems necessary to effectuate an orderly transition from the
102 supervision of school attendance officers by district attorneys to
103 the supervision by the school attendance officer supervisors;

104 (m) Beginning on July 1, 1998, to require school
105 attendance officer supervisors to employ persons employed by
106 district attorneys before July 1, 1998, as school attendance
107 officers without requiring such persons to submit an application
108 or interview for employment with the State Department of
109 Education;

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

113 (o) To adopt any other policies or guidelines that the
114 office deems necessary for the enforcement of the Mississippi
115 Compulsory School Attendance Law; however, the policies or
116 guidelines shall not add to or contradict with the requirements of
117 Section 37-13-91.

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

120 37-13-87. (1) The Director of the Office of Compulsory
121 School Attendance Enforcement shall employ three (3) school
122 attendance officer supervisors, each to maintain an office within
123 a different Supreme Court district. Each supervisor shall be
124 responsible for the enforcement of the Mississippi Compulsory
125 School Attendance Law within his district and shall exercise
126 direct supervision over the school attendance officers in the
127 district. The supervisors, who shall report to the director of
128 the office, shall assist the school attendance officers in the
129 performance of their duties as established by law or otherwise.

130 (2) No person having less than eight (8) years combined
131 actual experience as a school attendance officer, school teacher,
132 school administrator, law enforcement officer possessing a college
133 degree with a major in a behavioral science or a related field,
134 and/or social worker in the state shall be employed as a school
135 attendance officer supervisor. Further, a school attendance
136 officer supervisor shall possess a college degree with a major in
137 a behavioral science or a related field or shall have actual
138 experience as a school teacher, school administrator, law
139 enforcement officer possessing such degree or social worker;
140 however, these requirements shall not apply to persons employed as
141 school attendance officers before January 1, 1987. School
142 attendance officers shall meet any additional qualifications
143 established by the State Personnel Board for school attendance
144 officers or school attendance officer supervisors. The school
145 attendance officer supervisors shall receive an annual salary to
146 be set by the State Superintendent of Public Education, subject to
147 the approval of the State Personnel Board.

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

150 37-13-89. (1) In each school district within the state,
151 there shall be employed the number of school attendance officers
152 determined by the Office of Compulsory School Attendance
153 Enforcement to be necessary to adequately enforce the provisions
154 of the Mississippi Compulsory School Attendance Law; however, this
155 number shall not exceed one hundred fifty-three (153) school
156 attendance officers at any time. From and after July 1, 1998, all
157 school attendance officers employed pursuant to this section shall
158 be employees of the State Department of Education. The State
159 Department of Education shall employ all persons employed as
160 school attendance officers by district attorneys before July 1,
161 1998, and shall assign them to school attendance responsibilities
162 in the school district in which they were employed before July 1,

163 1998. The first twelve (12) months of employment for each school
164 attendance officer shall be the probationary period of state
165 service.

166 (2) (a) The State Department of Education shall obtain
167 current criminal records background checks and current child abuse
168 registry checks on all persons applying for the position of school
169 attendance officer after July 2, 2002. The criminal records
170 information and registry checks must be kept on file for any new
171 hires. In order to determine an applicant's suitability for
172 employment as a school attendance officer, the applicant must be
173 fingerprinted. If no disqualifying record is identified at the
174 state level, the Department of Public Safety shall forward the
175 fingerprints to the Federal Bureau of Investigation (FBI) for a
176 national criminal history record check. The applicant shall pay
177 the fee, not to exceed Fifty Dollars (\$50.00), for the
178 fingerprinting and criminal records background check; however, the
179 State Department of Education, in its discretion, may pay the fee
180 for the fingerprinting and criminal records background check on
181 behalf of any applicant. Under no circumstances may a member of
182 the State Board of Education, employee of the State Department of
183 Education or any person other than the subject of the criminal
184 records background check disseminate information received through
185 any such checks except insofar as required to fulfill the purposes
186 of this subsection.

187 (b) If the fingerprinting or criminal records check
188 discloses a felony conviction, guilty plea or plea of nolo
189 contendere to a felony of possession or sale of drugs, murder,
190 manslaughter, armed robbery, rape, sexual battery, sex offense
191 listed in Section 45-33-23(g), child abuse, arson, grand larceny,
192 burglary, gratification of lust or aggravated assault which has
193 not been reversed on appeal or for which a pardon has not been
194 granted, the applicant is not eligible to be employed as a school
195 attendance officer. Any employment of an applicant pending the

196 results of the fingerprinting and criminal records check is
197 voidable if the new hire receives a disqualifying criminal records
198 check. However, the State Board of Education, in its discretion,
199 may allow an applicant aggrieved by an employment decision under
200 this subsection to appear before the board, or before a hearing
201 officer designated for that purpose, to show mitigating
202 circumstances that may exist and allow the new hire to be employed
203 as a school attendance officer. The State Board of Education may
204 grant waivers for mitigating circumstances, which may include, but
205 are not necessarily limited to: (i) age at which the crime was
206 committed; (ii) circumstances surrounding the crime; (iii) length
207 of time since the conviction and criminal history since the
208 conviction; (iv) work history; (v) current employment and
209 character references; and (vi) other evidence demonstrating the
210 ability of the person to perform the responsibilities of a school
211 attendance officer competently and that the person does not pose a
212 threat to the health or safety of children.

213 (c) A member of the State Board of Education or
214 employee of the State Department of Education may not be held
215 liable in any employment discrimination suit in which an
216 allegation of discrimination is made regarding an employment
217 decision authorized under this section.

218 (3) Each school attendance officer shall possess a college
219 degree with a major in a behavioral science or a related field or
220 shall have no less than three (3) years combined actual experience
221 as a school teacher, school administrator, law enforcement officer
222 possessing such degree, and/or social worker; however, these
223 requirements shall not apply to persons employed as school
224 attendance officers before January 1, 1987. School attendance
225 officers also shall satisfy any additional requirements that may
226 be established by the State Personnel Board for the position of
227 school attendance officer.

228 (4) It shall be the duty of each school attendance officer
229 to:

230 (a) Cooperate with any public agency to locate and
231 identify all compulsory-school-age children who are not attending
232 school;

233 (b) Cooperate with all courts of competent
234 jurisdiction;

235 (c) Investigate all cases of nonattendance and unlawful
236 absences by compulsory-school-age children not enrolled in a
237 nonpublic school;

238 (d) Provide appropriate counseling to encourage all
239 school-age children to attend school until they have completed
240 high school;

241 (e) Attempt to secure the provision of social or
242 welfare services that may be required to enable any child to
243 attend school;

244 (f) Contact the home or place of residence of a
245 compulsory-school-age child and any other place in which the
246 officer is likely to find any compulsory-school-age child when the
247 child is absent from school during school hours without a valid
248 written excuse from school officials, and when the child is found,
249 the officer shall notify the parents and school officials as to
250 where the child was physically located;

251 (g) Contact promptly the home of each
252 compulsory-school-age child in the school district within the
253 officer's jurisdiction who is not enrolled in school or is not in
254 attendance at public school and is without a valid written excuse
255 from school officials; if no valid reason is found for the
256 nonenrollment or absence from the school, the school attendance
257 officer shall give written notice to the parent, guardian or
258 custodian of the requirement for the child's enrollment or
259 attendance;

260 (h) Collect and maintain information concerning
261 absenteeism, dropouts and other attendance-related problems, as
262 may be required by law or the Office of Compulsory School
263 Attendance Enforcement; and

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

267 (5) While engaged in the performance of his duties, each
268 school attendance officer shall carry on his person a badge
269 identifying him as a school attendance officer under the Office of
270 Compulsory School Attendance Enforcement of the State Department
271 of Education and an identification card designed by the State
272 Superintendent of Public Education and issued by the school
273 attendance officer supervisor. Neither the badge nor the
274 identification card shall bear the name of any elected public
275 official.

276 (6) The State Personnel Board shall develop a salary scale
277 for school attendance officers as part of the variable
278 compensation plan. The various pay ranges of the salary scale
279 shall be based upon factors including, but not limited to,
280 education, professional certification and licensure, and number of
281 years of experience. School attendance officers shall be paid in
282 accordance with this salary scale. The minimum salaries under the
283 scale shall be no less than the following:

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

289	Years of Experience	Salary
290	0 - 4 years	\$19,650.00
291	5 - 8 years	21,550.00
292	9 - 12 years	23,070.00

293 13 - 16 years 24,590.00

294 Over 17 years 26,110.00

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

299	Years of Experience	Salary
300	0 - 4 years	\$20,650.00
301	5 - 8 years	22,950.00
302	9 - 12 years	24,790.00
303	13 - 16 years	26,630.00
304	17 - 20 years	28,470.00
305	Over 21 years	30,310.00

306 (c) For school attendance officers holding a master's
307 degree in a behavioral science or a related field, the annual
308 salary shall be based on years of experience as a school
309 attendance officer or related field of service or employment, no
310 less than as follows:

311	Years of Experience	Salary
312	0 - 4 years	\$21,450.00
313	5 - 8 years	24,000.00
314	9 - 12 years	26,040.00
315	13 - 16 years	28,080.00
316	17 - 20 years	30,120.00
317	Over 21 years	32,160.00

318 (7) (a) Each school attendance officer employed by a
319 district attorney on June 30, 1998, who became an employee of the
320 State Department of Education on July 1, 1998, shall be awarded
321 credit for personal leave and major medical leave for his
322 continuous service as a school attendance officer under the
323 district attorney, and if applicable, the youth or family court or
324 a state agency. The credit for personal leave shall be in an
325 amount equal to one-third (1/3) of the maximum personal leave the

326 school attendance officer could have accumulated had he been
327 credited with such leave under Section 25-3-93 during his
328 employment with the district attorney, and if applicable, the
329 youth or family court or a state agency. The credit for major
330 medical leave shall be in an amount equal to one-half (1/2) of the
331 maximum major medical leave the school attendance officer could
332 have accumulated had he been credited with such leave under
333 Section 25-3-95 during his employment with the district attorney,
334 and if applicable, the youth or family court or a state agency.
335 However, if a district attorney who employed a school attendance
336 officer on June 30, 1998, certifies, in writing, to the State
337 Department of Education that the school attendance officer had
338 accumulated, pursuant to a personal leave policy or major medical
339 leave policy lawfully adopted by the district attorney, a number
340 of days of unused personal leave or major medical leave, or both,
341 which is greater than the number of days to which the school
342 attendance officer is entitled under this paragraph, the State
343 Department of Education shall authorize the school attendance
344 officer to retain the actual unused personal leave or major
345 medical leave, or both, certified by the district attorney,
346 subject to the maximum amount of personal leave and major medical
347 leave the school attendance officer could have accumulated had he
348 been credited with such leave under Sections 25-3-93 and 25-3-95.

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

356 (c) In order for a school attendance officer to be
357 awarded credit for personal leave and major medical leave or to
358 retain the actual unused personal leave and major medical leave

359 accumulated by him before July 1, 1998, the district attorney who
360 employed the school attendance officer must certify, in writing,
361 to the State Department of Education the hire date of the school
362 attendance officer. For each school attendance officer employed
363 by the youth or family court or a state agency before being
364 designated an employee of the district attorney who has not had a
365 break in continuous service, the hire date shall be the date that
366 the school attendance officer was hired by the youth or family
367 court or state agency. The department shall prescribe the date by
368 which the certification must be received by the department and
369 shall provide written notice to all district attorneys of the
370 certification requirement and the date by which the certification
371 must be received.

372 (8) (a) School attendance officers shall maintain regular
373 office hours on a year-round basis; however, during the school
374 term, on those days that teachers in all of the school districts
375 served by a school attendance officer are not required to report
376 to work, the school attendance officer also shall not be required
377 to report to work. (For purposes of this subsection, a school
378 district's school term is that period of time identified as the
379 school term in contracts entered into by the district with
380 licensed personnel.) A school attendance officer shall be
381 required to report to work on any day recognized as an official
382 state holiday if teachers in any school district served by that
383 school attendance officer are required to report to work on that
384 day, regardless of the school attendance officer's status as an
385 employee of the State Department of Education, and compensatory
386 leave may not be awarded to the school attendance officer for
387 working during that day. However, a school attendance officer may
388 be allowed by the school attendance officer's supervisor to use
389 earned leave on such days.

390 (b) The State Department of Education annually shall
391 designate a period of two (2) consecutive weeks in the summer

392 between school years during which school attendance officers shall
393 not be required to report to work. A school attendance officer
394 who elects to work at any time during that period may not be
395 awarded compensatory leave for such work and may not opt to be
396 absent from work at any time other than during the two (2) weeks
397 designated by the department unless the school attendance officer
398 uses personal leave or major medical leave accrued under Section
399 25-3-93 or 25-3-95 for such absence.

400 (9) The State Department of Education shall provide all
401 continuing education and training courses that school attendance
402 officers are required to complete under state law or rules and
403 regulations of the department.

404 **SECTION 6.** Section 37-13-90, Mississippi Code of 1972, which
405 provides for a repealer on the Office of Compulsory School
406 Attendance Enforcement, is repealed.

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