

By: Representatives Pierce, Scott

To: Education;
Appropriations

HOUSE BILL NO. 663
(As Sent to Governor)

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 REPEALER ON THE OFFICE OF COMPULSORY
6 SCHOOL ATTENDANCE ENFORCEMENT; AND FOR RELATED PURPOSES.

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

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

10 37-13-81. There is created the Office of Compulsory School
11 Attendance Enforcement within the State Department of Education.
12 The office shall be responsible for the administration of a
13 statewide system of enforcement of the Mississippi Compulsory
14 School Attendance Law (Section 37-13-91) and for the supervision
15 of school attendance officers throughout the state.

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

18 37-13-83. The State Superintendent of Public Education shall
19 appoint a director for the Office of Compulsory School Attendance
20 Enforcement, who shall meet all qualifications established for
21 school attendance officer supervisors and any additional
22 qualifications that may be established by the State Superintendent
23 of Public Education or State Personnel Board. The director shall
24 be responsible for the proper administration of the Office of
25 Compulsory School Attendance Enforcement in conformity with the
26 Mississippi Compulsory School Attendance Law and any other
27 regulations or policies that may be adopted by the State Board of
28 Education.

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

31 37-13-85. The Office of Compulsory School Attendance
32 Enforcement shall have the following powers and duties, in
33 addition to all others imposed or granted by law:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

106 37-13-87. (1) The Director of the Office of Compulsory
107 School Attendance Enforcement shall employ three (3) school
108 attendance officer supervisors, each to maintain an office within
109 a different Supreme Court district. Each supervisor shall be
110 responsible for the enforcement of the Mississippi Compulsory
111 School Attendance Law within his district and shall exercise
112 direct supervision over the school attendance officers in the
113 district. The supervisors, who shall report to the director of
114 the office, shall assist the school attendance officers in the
115 performance of their duties as established by law or otherwise.

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

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

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

136 37-13-89. (1) In each school district within the state,
137 there shall be employed the number of school attendance officers
138 determined by the Office of Compulsory School Attendance
139 Enforcement to be necessary to adequately enforce the provisions
140 of the Mississippi Compulsory School Attendance Law; however, this
141 number shall not exceed one hundred fifty-three (153) school
142 attendance officers at any time. From and after July 1, 1998, all
143 school attendance officers employed pursuant to this section shall
144 be employees of the State Department of Education. The State
145 Department of Education shall employ all persons employed as
146 school attendance officers by district attorneys before July 1,
147 1998, and shall assign them to school attendance responsibilities
148 in the school district in which they were employed before July 1,
149 1998. The first twelve (12) months of employment for each school
150 attendance officer shall be the probationary period of state
151 service.

152 (2) (a) The State Department of Education shall obtain
153 current criminal records background checks and current child abuse
154 registry checks on all persons applying for the position of school
155 attendance officer after July 2, 2002. The criminal records
156 information and registry checks must be kept on file for any new
157 hires. In order to determine an applicant's suitability for
158 employment as a school attendance officer, the applicant must be
159 fingerprinted. If no disqualifying record is identified at the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

290 17 - 20 years 28,470.00

291 Over 21 years 30,310.00

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

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

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

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

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

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

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

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

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

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

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

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

392 37-13-90. Sections 37-13-81 through 37-13-90 shall stand
393 repealed on July 1, 2009.

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