

## REPORT OF CONFERENCE COMMITTEE

**MR. SPEAKER AND MADAM PRESIDENT:**

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 663: Office of Compulsory School Attendance Enforcement; delete repealer on.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

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

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.

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

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.

CONFEREES FOR THE HOUSE

X (SIGNED)  
Randy Pierce

X (SIGNED)  
May Whittington

X (SIGNED)  
Cecil Brown

CONFEREES FOR THE SENATE

X (SIGNED)  
Mike Chaney

X (SIGNED)  
Videt Carmichael

X (SIGNED)  
Jack Gordon