

By: Representative Carlton

To: Education;
Appropriations

HOUSE BILL NO. 915

1 AN ACT TO AMEND SECTION 37-13-89, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO ESTABLISH
3 GUIDELINES REQUIRING SCHOOL ATTENDANCE OFFICERS TO PERFORM SUMMER
4 VISITS TO CHRONIC TRUANT FAMILIES; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 37-13-89, Mississippi Code of 1972, is
7 amended as follows:

8 37-13-89. (1) In each school district within the state,
9 there shall be employed the number of school attendance officers
10 determined by the Office of Compulsory School Attendance
11 Enforcement to be necessary to adequately enforce the provisions
12 of the Mississippi Compulsory School Attendance Law; however, this
13 number shall not exceed one hundred fifty-three (153) school
14 attendance officers at any time. * * * All school attendance
15 officers employed pursuant to this section shall be employees of
16 the State Department of Education. The State Department of
17 Education shall employ all persons employed as school attendance
18 officers by district attorneys before July 1, 1998, and shall
19 assign them to school attendance responsibilities in the school
20 district in which they were employed before July 1, 1998. The
21 first twelve (12) months of employment for each school attendance
22 officer shall be the probationary period of state service.

23 (2) (a) The State Department of Education shall obtain
24 current criminal records background checks and current child abuse
25 registry checks on all persons applying for the position of school
26 attendance officer after July 2, 2002. The criminal records
27 information and registry checks must be kept on file for any new
28 hires. In order to determine an applicant's suitability for

29 employment as a school attendance officer, the applicant must be
30 fingerprinted. If no disqualifying record is identified at the
31 state level, the Department of Public Safety shall forward the
32 fingerprints to the Federal Bureau of Investigation (FBI) for a
33 national criminal history record check. The applicant shall pay
34 the fee, not to exceed Fifty Dollars (\$50.00), for the
35 fingerprinting and criminal records background check; however, the
36 State Department of Education, in its discretion, may pay the fee
37 for the fingerprinting and criminal records background check on
38 behalf of any applicant. Under no circumstances may a member of
39 the State Board of Education, employee of the State Department of
40 Education or any person other than the subject of the criminal
41 records background check disseminate information received through
42 any such checks except insofar as required to fulfill the purposes
43 of this subsection.

44 (b) If the fingerprinting or criminal records check
45 discloses a felony conviction, guilty plea or plea of nolo
46 contendere to a felony of possession or sale of drugs, murder,
47 manslaughter, armed robbery, rape, sexual battery, sex offense
48 listed in Section 45-33-23(g), child abuse, arson, grand larceny,
49 burglary, gratification of lust or aggravated assault which has
50 not been reversed on appeal or for which a pardon has not been
51 granted, the applicant is not eligible to be employed as a school
52 attendance officer. Any employment of an applicant pending the
53 results of the fingerprinting and criminal records check is
54 voidable if the new hire receives a disqualifying criminal records
55 check. However, the State Board of Education, in its discretion,
56 may allow an applicant aggrieved by an employment decision under
57 this subsection to appear before the board, or before a hearing
58 officer designated for that purpose, to show mitigating
59 circumstances that may exist and allow the new hire to be employed
60 as a school attendance officer. The State Board of Education may
61 grant waivers for mitigating circumstances, which may include, but

62 are not necessarily limited to: (i) age at which the crime was
63 committed; (ii) circumstances surrounding the crime; (iii) length
64 of time since the conviction and criminal history since the
65 conviction; (iv) work history; (v) current employment and
66 character references; and (vi) other evidence demonstrating the
67 ability of the person to perform the responsibilities of a school
68 attendance officer competently and that the person does not pose a
69 threat to the health or safety of children.

70 (c) A member of the State Board of Education or
71 employee of the State Department of Education may not be held
72 liable in any employment discrimination suit in which an
73 allegation of discrimination is made regarding an employment
74 decision authorized under this section.

75 (3) Each school attendance officer shall possess a college
76 degree with a major in a behavioral science or a related field or
77 shall have no less than three (3) years combined actual experience
78 as a school teacher, school administrator, law enforcement officer
79 possessing such degree, and/or social worker; however, these
80 requirements shall not apply to persons employed as school
81 attendance officers before January 1, 1987. School attendance
82 officers also shall satisfy any additional requirements that may
83 be established by the State Personnel Board for the position of
84 school attendance officer.

85 (4) It shall be the duty of each school attendance officer
86 to:

87 (a) Cooperate with any public agency to locate and
88 identify all compulsory-school-age children who are not attending
89 school;

90 (b) Cooperate with all courts of competent
91 jurisdiction;

92 (c) Investigate all cases of nonattendance and unlawful
93 absences by compulsory-school-age children not enrolled in a
94 nonpublic school;

95 (d) Provide appropriate counseling to encourage all
96 school-age children to attend school until they have completed
97 high school;

98 (e) Attempt to secure the provision of social or
99 welfare services that may be required to enable any child to
100 attend school;

101 (f) Contact the home or place of residence of a
102 compulsory-school-age child and any other place in which the
103 officer is likely to find any compulsory-school-age child when the
104 child is absent from school during school hours without a valid
105 written excuse from school officials, and when the child is found,
106 the officer shall notify the parents and school officials as to
107 where the child was physically located;

108 (g) Contact promptly the home of each
109 compulsory-school-age child in the school district within the
110 officer's jurisdiction who is not enrolled in school or is not in
111 attendance at public school and is without a valid written excuse
112 from school officials; if no valid reason is found for the
113 nonenrollment or absence from the school, the school attendance
114 officer shall give written notice to the parent, guardian or
115 custodian of the requirement for the child's enrollment or
116 attendance;

117 (h) Collect and maintain information concerning
118 absenteeism, dropouts and other attendance-related problems, as
119 may be required by law or the Office of Compulsory School
120 Attendance Enforcement; and

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

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

128 of Education and an identification card designed by the State
129 Superintendent of Public Education and issued by the school
130 attendance officer supervisor. Neither the badge nor the
131 identification card shall bear the name of any elected public
132 official.

133 (6) The State Personnel Board shall develop a salary scale
134 for school attendance officers as part of the variable
135 compensation plan. The various pay ranges of the salary scale
136 shall be based upon factors including, but not limited to,
137 education, professional certification and licensure, and number of
138 years of experience. School attendance officers shall be paid in
139 accordance with this salary scale. The minimum salaries under the
140 scale shall be no less than the following:

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

146	Years of Experience	Salary
147	0 - 4 years	\$19,650.00
148	5 - 8 years	21,550.00
149	9 - 12 years	23,070.00
150	13 - 16 years	24,590.00
151	Over 17 years	26,110.00

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

156	Years of Experience	Salary
157	0 - 4 years	\$20,650.00
158	5 - 8 years	22,950.00
159	9 - 12 years	24,790.00
160	13 - 16 years	26,630.00

161 17 - 20 years 28,470.00

162 Over 21 years 30,310.00

163 (c) For school attendance officers holding a master's
164 degree in a behavioral science or a related field, the annual
165 salary shall be based on years of experience as a school
166 attendance officer or related field of service or employment, no
167 less than as follows:

168	Years of Experience	Salary
169	0 - 4 years	\$21,450.00
170	5 - 8 years	24,000.00
171	9 - 12 years	26,040.00
172	13 - 16 years	28,080.00
173	17 - 20 years	30,120.00
174	Over 21 years	32,160.00

175 (7) (a) Each school attendance officer employed by a
176 district attorney on June 30, 1998, who became an employee of the
177 State Department of Education on July 1, 1998, shall be awarded
178 credit for personal leave and major medical leave for his
179 continuous service as a school attendance officer under the
180 district attorney, and if applicable, the youth or family court or
181 a state agency. The credit for personal leave shall be in an
182 amount equal to one-third (1/3) of the maximum personal leave the
183 school attendance officer could have accumulated had he been
184 credited with such leave under Section 25-3-93 during his
185 employment with the district attorney, and if applicable, the
186 youth or family court or a state agency. The credit for major
187 medical leave shall be in an amount equal to one-half (1/2) of the
188 maximum major medical leave the school attendance officer could
189 have accumulated had he been credited with such leave under
190 Section 25-3-95 during his employment with the district attorney,
191 and if applicable, the youth or family court or a state agency.
192 However, if a district attorney who employed a school attendance
193 officer on June 30, 1998, certifies, in writing, to the State

194 Department of Education that the school attendance officer had
195 accumulated, pursuant to a personal leave policy or major medical
196 leave policy lawfully adopted by the district attorney, a number
197 of days of unused personal leave or major medical leave, or both,
198 which is greater than the number of days to which the school
199 attendance officer is entitled under this paragraph, the State
200 Department of Education shall authorize the school attendance
201 officer to retain the actual unused personal leave or major
202 medical leave, or both, certified by the district attorney,
203 subject to the maximum amount of personal leave and major medical
204 leave the school attendance officer could have accumulated had he
205 been credited with such leave under Sections 25-3-93 and 25-3-95.

206 (b) For the purpose of determining the accrual rate for
207 personal leave under Section 25-3-93 and major medical leave under
208 Section 25-3-95, the State Department of Education shall give
209 consideration to all continuous service rendered by a school
210 attendance officer before July 1, 1998, in addition to the service
211 rendered by the school attendance officer as an employee of the
212 department.

213 (c) In order for a school attendance officer to be
214 awarded credit for personal leave and major medical leave or to
215 retain the actual unused personal leave and major medical leave
216 accumulated by him before July 1, 1998, the district attorney who
217 employed the school attendance officer must certify, in writing,
218 to the State Department of Education the hire date of the school
219 attendance officer. For each school attendance officer employed
220 by the youth or family court or a state agency before being
221 designated an employee of the district attorney who has not had a
222 break in continuous service, the hire date shall be the date that
223 the school attendance officer was hired by the youth or family
224 court or state agency. The department shall prescribe the date by
225 which the certification must be received by the department and
226 shall provide written notice to all district attorneys of the

227 certification requirement and the date by which the certification
228 must be received.

229 (8) (a) School attendance officers shall maintain regular
230 office hours on a year-round basis; however, during the school
231 term, on those days that teachers in all of the school districts
232 served by a school attendance officer are not required to report
233 to work, the school attendance officer also shall not be required
234 to report to work. (For purposes of this subsection, a school
235 district's school term is that period of time identified as the
236 school term in contracts entered into by the district with
237 licensed personnel.) A school attendance officer shall be
238 required to report to work on any day recognized as an official
239 state holiday if teachers in any school district served by that
240 school attendance officer are required to report to work on that
241 day, regardless of the school attendance officer's status as an
242 employee of the State Department of Education, and compensatory
243 leave may not be awarded to the school attendance officer for
244 working during that day. However, a school attendance officer may
245 be allowed by the school attendance officer's supervisor to use
246 earned leave on such days.

247 (b) The State Department of Education annually shall
248 designate a period of two (2) consecutive weeks in the summer
249 between school years during which school attendance officers shall
250 not be required to report to work. A school attendance officer
251 who elects to work at any time during that period may not be
252 awarded compensatory leave for such work and may not opt to be
253 absent from work at any time other than during the two (2) weeks
254 designated by the department unless the school attendance officer
255 uses personal leave or major medical leave accrued under Section
256 25-3-93 or 25-3-95 for such absence.

257 (c) The State Department of Education shall establish
258 guidelines requiring school attendance officers to perform summer
259 visits to chronic truant families. The purpose of the summer

260 visits shall be to emphasize the importance of school attendance
261 and to assist families with "best practices" in reading skills,
262 homework completion, mentoring programs and any other services
263 prescribed by the department. Each school attendance officer
264 shall submit a report, which shall include information regarding
265 the progress of the summer visits, to the superintendent of each
266 school district served by that school attendance officer before
267 August 15 of each year.

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

272 **SECTION 2.** This act shall take effect and be in force from
273 and after July 1, 2006.