

By: Representative Scott

To: Education

HOUSE BILL NO. 507

1 AN ACT TO AMEND SECTION 37-13-89, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE SCHOOL ATTENDANCE OFFICERS TO VISIT THE HOME OR PLACE
3 OF RESIDENCE OF A COMPULSORY-SCHOOL-AGE CHILD WITHIN 72 HOURS OF
4 AN UNEXCUSED ABSENCE FOR CONSULTATION WITH THE PARENT OR LEGAL
5 GUARDIAN OF THAT CHILD; AND FOR RELATED PURPOSES.

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

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

9 37-13-89. (1) In each school district within the state,
10 there shall be employed the number of school attendance officers
11 determined by the Office of Compulsory School Attendance
12 Enforcement to be necessary to adequately enforce the provisions
13 of the Mississippi Compulsory School Attendance Law; however, this
14 number shall not exceed one hundred fifty-three (153) school
15 attendance officers at any time. * * * All school attendance
16 officers employed pursuant to this section shall be employees of
17 the State Department of Education. * * * The first twelve (12)
18 months of employment for each school attendance officer shall be
19 the probationary period of state service.



20 (2) (a) The State Department of Education shall obtain
21 current criminal records background checks and current child abuse
22 registry checks on all persons applying for the position of school
23 attendance officer * * *. The criminal records information and
24 registry checks must be kept on file for any new hires. In order
25 to determine an applicant's suitability for employment as a school
26 attendance officer, the applicant must be fingerprinted. If no
27 disqualifying record is identified at the state level, the
28 Department of Public Safety shall forward the fingerprints to the
29 Federal Bureau of Investigation (FBI) for a national criminal
30 history record check. The applicant shall pay the fee, not to
31 exceed Fifty Dollars (\$50.00), for the fingerprinting and criminal
32 records background check; however, the State Department of
33 Education, in its discretion, may pay the fee for the
34 fingerprinting and criminal records background check on behalf of
35 any applicant. Under no circumstances may a member of the State
36 Board of Education, employee of the State Department of Education
37 or any person other than the subject of the criminal records
38 background check disseminate information received through any such
39 checks except insofar as required to fulfill the purposes of this
40 subsection.

41 (b) If the fingerprinting or criminal records check
42 discloses a felony conviction, guilty plea or plea of nolo
43 contendere to a felony of possession or sale of drugs, murder,
44 manslaughter, armed robbery, rape, sexual battery, sex offense



45 listed in Section 45-33-23(h), child abuse, arson, grand larceny,
46 burglary, gratification of lust or aggravated assault which has
47 not been reversed on appeal or for which a pardon has not been
48 granted, the applicant is not eligible to be employed as a school
49 attendance officer. Any employment of an applicant pending the
50 results of the fingerprinting and criminal records check is
51 voidable if the new hire receives a disqualifying criminal records
52 check. However, the State Board of Education, in its discretion,
53 may allow an applicant aggrieved by an employment decision under
54 this subsection to appear before the board, or before a hearing
55 officer designated for that purpose, to show mitigating
56 circumstances that may exist and allow the new hire to be employed
57 as a school attendance officer. The State Board of Education may
58 grant waivers for mitigating circumstances, which may include, but
59 are not necessarily limited to: (i) age at which the crime was
60 committed; (ii) circumstances surrounding the crime; (iii) length
61 of time since the conviction and criminal history since the
62 conviction; (iv) work history; (v) current employment and
63 character references; and (vi) other evidence demonstrating the
64 ability of the person to perform the responsibilities of a school
65 attendance officer competently and that the person does not pose a
66 threat to the health or safety of children.

67 (c) A member of the State Board of Education or
68 employee of the State Department of Education may not be held
69 liable in any employment discrimination suit in which an



allegation of discrimination is made regarding an employment decision authorized under this section.

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

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

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

(b) Cooperate with all courts of competent jurisdiction;

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

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



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

(f) (i) Contact, through actual visitation, the home or place of residence of a compulsory-school-age child and any other place in which the officer is likely to find any compulsory-school-age child * * *, for consultation with the parent or legal guardian of a compulsory-school-age child within seventy-two (72) hours of the * * * child's absence from school during school hours without a valid written excuse from school officials * * *; and

(ii) When the child is found, if in any place other than the home or place of residence, the officer shall notify the parents and school officials as to where the child was physically located;

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



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

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

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

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



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

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

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

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

(c) For school attendance officers holding a master's degree in a behavioral science or a related field, the annual salary shall be based on years of experience as a school



168 attendance officer or related field of service or employment, no
169 less than as follows:

170	Years of Experience	Salary
171	0 - 4 years	\$21,450.00
172	5 - 8 years	24,000.00
173	9 - 12 years	26,040.00
174	13 - 16 years	28,080.00
175	17 - 20 years	30,120.00
176	Over 21 years	32,160.00

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



193 and if applicable, the youth or family court or a state agency.
194 However, if a district attorney who employed a school attendance
195 officer on June 30, 1998, certifies, in writing, to the State
196 Department of Education that the school attendance officer had
197 accumulated, pursuant to a personal leave policy or major medical
198 leave policy lawfully adopted by the district attorney, a number
199 of days of unused personal leave or major medical leave, or both,
200 which is greater than the number of days to which the school
201 attendance officer is entitled under this paragraph, the State
202 Department of Education shall authorize the school attendance
203 officer to retain the actual unused personal leave or major
204 medical leave, or both, certified by the district attorney,
205 subject to the maximum amount of personal leave and major medical
206 leave the school attendance officer could have accumulated had he
207 been credited with such leave under Sections 25-3-93 and 25-3-95.

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

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



218 accumulated by him before July 1, 1998, the district attorney who
219 employed the school attendance officer must certify, in writing,
220 to the State Department of Education the hire date of the school
221 attendance officer. For each school attendance officer employed
222 by the youth or family court or a state agency before being
223 designated an employee of the district attorney who has not had a
224 break in continuous service, the hire date shall be the date that
225 the school attendance officer was hired by the youth or family
226 court or state agency. The department shall prescribe the date by
227 which the certification must be received by the department and
228 shall provide written notice to all district attorneys of the
229 certification requirement and the date by which the certification
230 must be received.

231 (8) (a) School attendance officers shall maintain regular
232 office hours on a year-round basis; however, during the school
233 term, on those days that teachers in all of the school districts
234 served by a school attendance officer are not required to report
235 to work, the school attendance officer also shall not be required
236 to report to work. (For purposes of this subsection, a school
237 district's school term is that period of time identified as the
238 school term in contracts entered into by the district with
239 licensed personnel.) A school attendance officer shall be
240 required to report to work on any day recognized as an official
241 state holiday if teachers in any school district served by that
242 school attendance officer are required to report to work on that



243 day, regardless of the school attendance officer's status as an
244 employee of the State Department of Education, and compensatory
245 leave may not be awarded to the school attendance officer for
246 working during that day. However, a school attendance officer may
247 be allowed by the school attendance officer's supervisor to use
248 earned leave on such days.

249 (b) The State Department of Education annually shall
250 designate a period of six (6) consecutive weeks in the summer
251 between school years during which school attendance officers shall
252 not be required to report to work. A school attendance officer
253 who elects to work at any time during that period may not be
254 awarded compensatory leave for such work and may not opt to be
255 absent from work at any time other than during the six (6) weeks
256 designated by the department unless the school attendance officer
257 uses personal leave or major medical leave accrued under Section
258 25-3-93 or 25-3-95 for such absence.

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

263 **SECTION 2.** This act shall take effect and be in force from
264 and after July 1, 2018.

