

By: Representative Read

To: Appropriations

HOUSE BILL NO. 263

1 AN ACT TO AMEND SECTION 37-13-89, MISSISSIPPI CODE OF 1972,  
2 TO REVISE THE ANNUAL SALARIES OF SCHOOL ATTENDANCE OFFICERS TO  
3 REFLECT THE CURRENT ANNUAL SALARIES BEING PAID TO SUCH OFFICERS;  
4 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. From and after July 1, 1998, all  
15 school attendance officers employed pursuant to this section shall  
16 be employees of the State Department of Education. The State  
17 Department of Education shall employ all persons employed as  
18 school attendance officers by district attorneys before July 1,  
19 1998, and shall assign them to school attendance responsibilities



20 in the school district in which they were employed before July 1,  
21 1998. The first twelve (12) months of employment for each school  
22 attendance officer shall be the probationary period of state  
23 service.

24 (2) (a) The State Department of Education shall obtain  
25 current criminal records background checks and current child abuse  
26 registry checks on all persons applying for the position of school  
27 attendance officer after July 2, 2002. The criminal records  
28 information and registry checks must be kept on file for any new  
29 hires. In order to determine an applicant's suitability for  
30 employment as a school attendance officer, the applicant must be  
31 fingerprinted. If no disqualifying record is identified at the  
32 state level, the Department of Public Safety shall forward the  
33 fingerprints to the Federal Bureau of Investigation (FBI) for a  
34 national criminal history record check. The applicant shall pay  
35 the fee, not to exceed Fifty Dollars (\$50.00), for the  
36 fingerprinting and criminal records background check; however, the  
37 State Department of Education, in its discretion, may pay the fee  
38 for the fingerprinting and criminal records background check on  
39 behalf of any applicant. Under no circumstances may a member of  
40 the State Board of Education, employee of the State Department of  
41 Education or any person other than the subject of the criminal  
42 records background check disseminate information received through  
43 any such checks except insofar as required to fulfill the purposes  
44 of this subsection.



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



69 attendance officer competently and that the person does not pose a  
70 threat to the health or safety of children.

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

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

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

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

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



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

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

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

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

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



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

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

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

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



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

147	Years of Experience	Salary
148	0 - 4 years	\$ * * * <u>24,528.29</u>
149	5 - 8 years	* * * <u>26,485.29</u>
150	9 - 12 years	* * * <u>28,050.89</u>
151	13 - 16 years	* * * <u>29,616.49</u>
152	Over 17 years	* * * <u>31,182.09</u>

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

157	Years of Experience	Salary
158	0 - 4 years	\$ * * * <u>25,558.29</u>
159	5 - 8 years	* * * <u>27,927.29</u>
160	9 - 12 years	* * * <u>29,822.49</u>
161	13 - 16 years	* * * <u>31,717.69</u>
162	17 - 20 years	* * * <u>33,612.89</u>
163	Over 21 years	* * * <u>35,415.39</u>

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



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

169	Years of Experience	Salary
170	0 - 4 years	\$ * * * <u>*26,382.29</u>
171	5 - 8 years	* * * <u>*29,008.79</u>
172	9 - 12 years	* * * <u>*31,109.99</u>
173	13 - 16 years	* * * <u>*33,211.19</u>
174	17 - 20 years	* * * <u>*35,312.39</u>
175	Over 21 years	* * * <u>*37,413.59</u>

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





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

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

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



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

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



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

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

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

262 **SECTION 2.** This act shall take effect and be in force from  
263 and after its passage.

