

By: Senator(s) DeBar

To: Education

SENATE BILL NO. 2432

1 AN ACT TO AMEND SECTION 37-13-89, MISSISSIPPI CODE OF 1972,
2 TO DELETE THE MINIMUM SALARY SCALE FOR SCHOOL ATTENDANCE OFFICERS;
3 TO PROVIDE THAT THE STATE PERSONNEL BOARD SHALL DEVELOP A SALARY
4 SCALE FOR SCHOOL ATTENDANCE OFFICERS AS PART OF THE VARIABLE
5 COMPENSATION PLAN; 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. From and after July 1, 1998, all
16 school attendance officers employed pursuant to this section shall
17 be employees of the State Department of Education. The State
18 Department of Education shall employ all persons employed as
19 school attendance officers by district attorneys before July 1,



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

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



44 any such checks except insofar as required to fulfill the purposes
45 of this subsection.

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



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

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

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

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

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

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



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

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

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

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

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



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

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

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

135 (6) The State Personnel Board shall develop a salary scale
136 for school attendance officers as part of the variable
137 compensation plan. The various pay ranges of the salary scale
138 shall be based upon factors including, but not limited to,
139 education, professional certification and licensure, and number of
140 years of experience. School attendance officers shall be paid in
141 accordance with this salary scale. * * *

142 (7) (a) Each school attendance officer employed by a
143 district attorney on June 30, 1998, who became an employee of the



144 State Department of Education on July 1, 1998, shall be awarded
145 credit for personal leave and major medical leave for his
146 continuous service as a school attendance officer under the
147 district attorney, and if applicable, the youth or family court or
148 a state agency. The credit for personal leave shall be in an
149 amount equal to one-third (1/3) of the maximum personal leave the
150 school attendance officer could have accumulated had he been
151 credited with such leave under Section 25-3-93 during his
152 employment with the district attorney, and if applicable, the
153 youth or family court or a state agency. The credit for major
154 medical leave shall be in an amount equal to one-half (1/2) of the
155 maximum major medical leave the school attendance officer could
156 have accumulated had he been credited with such leave under
157 Section 25-3-95 during his employment with the district attorney,
158 and if applicable, the youth or family court or a state agency.
159 However, if a district attorney who employed a school attendance
160 officer on June 30, 1998, certifies, in writing, to the State
161 Department of Education that the school attendance officer had
162 accumulated, pursuant to a personal leave policy or major medical
163 leave policy lawfully adopted by the district attorney, a number
164 of days of unused personal leave or major medical leave, or both,
165 which is greater than the number of days to which the school
166 attendance officer is entitled under this paragraph, the State
167 Department of Education shall authorize the school attendance
168 officer to retain the actual unused personal leave or major



169 medical leave, or both, certified by the district attorney,
170 subject to the maximum amount of personal leave and major medical
171 leave the school attendance officer could have accumulated had he
172 been credited with such leave under Sections 25-3-93 and 25-3-95.

173 (b) For the purpose of determining the accrual rate for
174 personal leave under Section 25-3-93 and major medical leave under
175 Section 25-3-95, the State Department of Education shall give
176 consideration to all continuous service rendered by a school
177 attendance officer before July 1, 1998, in addition to the service
178 rendered by the school attendance officer as an employee of the
179 department.

180 (c) In order for a school attendance officer to be
181 awarded credit for personal leave and major medical leave or to
182 retain the actual unused personal leave and major medical leave
183 accumulated by him before July 1, 1998, the district attorney who
184 employed the school attendance officer must certify, in writing,
185 to the State Department of Education the hire date of the school
186 attendance officer. For each school attendance officer employed
187 by the youth or family court or a state agency before being
188 designated an employee of the district attorney who has not had a
189 break in continuous service, the hire date shall be the date that
190 the school attendance officer was hired by the youth or family
191 court or state agency. The department shall prescribe the date by
192 which the certification must be received by the department and
193 shall provide written notice to all district attorneys of the



194 certification requirement and the date by which the certification
195 must be received.

196 (8) (a) School attendance officers shall maintain regular
197 office hours on a year-round basis; however, during the school
198 term, on those days that teachers in all of the school districts
199 served by a school attendance officer are not required to report
200 to work, the school attendance officer also shall not be required
201 to report to work. (For purposes of this subsection, a school
202 district's school term is that period of time identified as the
203 school term in contracts entered into by the district with
204 licensed personnel.) A school attendance officer shall be
205 required to report to work on any day recognized as an official
206 state holiday if teachers in any school district served by that
207 school attendance officer are required to report to work on that
208 day, regardless of the school attendance officer's status as an
209 employee of the State Department of Education, and compensatory
210 leave may not be awarded to the school attendance officer for
211 working during that day. However, a school attendance officer may
212 be allowed by the school attendance officer's supervisor to use
213 earned leave on such days.

214 (b) The State Department of Education annually shall
215 designate a period of six (6) consecutive weeks in the summer
216 between school years during which school attendance officers shall
217 not be required to report to work. A school attendance officer
218 who elects to work at any time during that period may not be



219 awarded compensatory leave for such work and may not opt to be
220 absent from work at any time other than during the six (6) weeks
221 designated by the department unless the school attendance officer
222 uses personal leave or major medical leave accrued under Section
223 25-3-93 or 25-3-95 for such absence.

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

228 **SECTION 2.** This act shall take effect and be in force from
229 and after July 1, 2022.

