

By: Representatives Lamar, Steverson,
Mickens

To: Education;
Appropriations

HOUSE BILL NO. 387

1 AN ACT TO AMEND SECTION 37-13-89, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE PAY SCALE FOR SCHOOL ATTENDANCE OFFICERS; TO LIMIT
3 THE MAXIMUM NUMBER OF STUDENT REFERRALS SCHOOL ATTENDANCE OFFICERS
4 MAY SERVICE BEFORE THE DEPARTMENT IS REQUIRED TO HIRE AN
5 ADDITIONAL SCHOOL ATTENDANCE OFFICER FOR THE DISTRICT; AND FOR
6 RELATED PURPOSES.

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

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

10 37-13-89. (1) In each school district within the state,
11 there shall be employed the number of school attendance officers
12 determined by the Office of Compulsory School Attendance
13 Enforcement to be necessary to adequately enforce the provisions
14 of the Mississippi Compulsory School Attendance Law; however, this
15 number shall not exceed one hundred fifty-three (153) school
16 attendance officers at any time. From and after July 1, 1998, all
17 school attendance officers employed pursuant to this section shall
18 be employees of the State Department of Education. The State
19 Department of Education shall employ all persons employed as
20 school attendance officers by district attorneys before July 1,



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

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



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

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



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

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

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

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

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

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



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

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

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

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

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



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

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

127 (j) Shall be limited to addressing no more than three
128 thousand (3,000) student referrals annually, before the department
129 is required to hire an additional school attendance officer to
130 serve the district.

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

140 (6) * * * Beginning with the 2023-2024 school year and
141 subsequent school years the various pay ranges of the salary scale
142 shall be based upon factors including, but not limited to,
143 education, professional certification and licensure, and number of
144 years of experience. School attendance officers shall be paid in



145 accordance with this salary scale. The minimum salaries under the
146 scale shall be no less than the following:

147 * * *

148	<u>Exp.</u>	<u>Master's</u>	<u>Licensed</u>	<u>Bachelor's</u>
149		<u>Degree</u>	<u>Social Worker</u>	<u>Degree</u>
150	<u>0</u>	<u>43,000.00</u>	<u>42,250.00</u>	<u>41,500.00</u>
151	<u>1</u>	<u>43,525.00</u>	<u>42,712.00</u>	<u>41,900.00</u>
152	<u>2</u>	<u>44,050.00</u>	<u>43,174.00</u>	<u>42,300.00</u>
153	<u>3</u>	<u>44,575.00</u>	<u>43,636.00</u>	<u>42,700.00</u>
154	<u>4</u>	<u>45,100.00</u>	<u>44,048.00</u>	<u>43,100.00</u>
155	<u>5</u>	<u>46,350.00</u>	<u>45,273.00</u>	<u>44,300.00</u>
156	<u>6</u>	<u>46,875.00</u>	<u>45,735.00</u>	<u>44,700.00</u>
157	<u>7</u>	<u>47,400.00</u>	<u>46,197.00</u>	<u>45,100.00</u>
158	<u>8</u>	<u>47,925.00</u>	<u>46,659.00</u>	<u>45,500.00</u>
159	<u>9</u>	<u>48,450.00</u>	<u>47,121.00</u>	<u>45,900.00</u>
160	<u>10</u>	<u>49,700.00</u>	<u>48,346.00</u>	<u>47,100.00</u>
161	<u>11</u>	<u>50,225.00</u>	<u>48,808.00</u>	<u>47,500.00</u>
162	<u>12</u>	<u>50,750.00</u>	<u>49,270.00</u>	<u>47,900.00</u>
163	<u>13</u>	<u>51,275.00</u>	<u>49,732.00</u>	<u>48,300.00</u>
164	<u>14</u>	<u>51,800.00</u>	<u>50,194.00</u>	<u>48,700.00</u>
165	<u>15</u>	<u>53,050.00</u>	<u>51,419.00</u>	<u>49,900.00</u>
166	<u>16</u>	<u>53,575.00</u>	<u>51,881.00</u>	<u>50,300.00</u>
167	<u>17</u>	<u>54,100.00</u>	<u>52,343.00</u>	<u>50,700.00</u>
168	<u>18</u>	<u>54,625.00</u>	<u>52,805.00</u>	<u>51,100.00</u>
169	<u>19</u>	<u>55,150.00</u>	<u>53,267.00</u>	<u>51,500.00</u>



170	<u>20</u>	<u>56,400.00</u>	<u>54,492.00</u>	<u>52,700.00</u>
171	<u>21</u>	<u>56,925.00</u>	<u>54,954.00</u>	<u>53,100.00</u>
172	<u>22</u>	<u>57,450.00</u>	<u>55,416.00</u>	<u>53,500.00</u>
173	<u>23</u>	<u>57,975.00</u>	<u>55,878.00</u>	<u>53,900.00</u>
174	<u>24</u>	<u>58,500.00</u>	<u>56,340.00</u>	<u>54,300.00</u>
175	<u>25</u>	<u>61,000.00</u>	<u>58,840.00</u>	<u>56,800.00</u>
176	<u>26</u>	<u>61,525.00</u>	<u>59,302.00</u>	<u>57,200.00</u>
177	<u>27</u>	<u>62,050.00</u>	<u>59,764.00</u>	<u>57,600.00</u>
178	<u>28</u>	<u>62,575.00</u>	<u>60,226.00</u>	<u>58,000.00</u>
179	<u>29</u>	<u>63,100.00</u>	<u>60,688.00</u>	<u>58,400.00</u>
180	<u>30</u>	<u>63,625.00</u>	<u>61,150.00</u>	<u>58,800.00</u>
181	<u>31</u>	<u>64,150.00</u>	<u>61,612.00</u>	<u>59,200.00</u>
182	<u>32</u>	<u>64,675.00</u>	<u>62,074.00</u>	<u>59,600.00</u>
183	<u>33</u>	<u>65,200.00</u>	<u>62,536.00</u>	<u>60,000.00</u>
184	<u>34</u>	<u>65,725.00</u>	<u>62,998.00</u>	<u>60,400.00</u>
185	<u>35</u>			
186	<u>& above</u>	<u>66,250.00</u>	<u>63,460.00</u>	<u>60,800.00</u>

187 (7) (a) Each school attendance officer employed by a
188 district attorney on June 30, 1998, who became an employee of the
189 State Department of Education on July 1, 1998, shall be awarded
190 credit for personal leave and major medical leave for his
191 continuous service as a school attendance officer under the
192 district attorney, and if applicable, the youth or family court or
193 a state agency. The credit for personal leave shall be in an
194 amount equal to one-third (1/3) of the maximum personal leave the



195 school attendance officer could have accumulated had he been
196 credited with such leave under Section 25-3-93 during his
197 employment with the district attorney, and if applicable, the
198 youth or family court or a state agency. The credit for major
199 medical leave shall be in an amount equal to one-half (1/2) of the
200 maximum major medical leave the school attendance officer could
201 have accumulated had he been credited with such leave under
202 Section 25-3-95 during his employment with the district attorney,
203 and if applicable, the youth or family court or a state agency.
204 However, if a district attorney who employed a school attendance
205 officer on June 30, 1998, certifies, in writing, to the State
206 Department of Education that the school attendance officer had
207 accumulated, pursuant to a personal leave policy or major medical
208 leave policy lawfully adopted by the district attorney, a number
209 of days of unused personal leave or major medical leave, or both,
210 which is greater than the number of days to which the school
211 attendance officer is entitled under this paragraph, the State
212 Department of Education shall authorize the school attendance
213 officer to retain the actual unused personal leave or major
214 medical leave, or both, certified by the district attorney,
215 subject to the maximum amount of personal leave and major medical
216 leave the school attendance officer could have accumulated had he
217 been credited with such leave under Sections 25-3-93 and 25-3-95.

218 (b) For the purpose of determining the accrual rate for
219 personal leave under Section 25-3-93 and major medical leave under



220 Section 25-3-95, the State Department of Education shall give
221 consideration to all continuous service rendered by a school
222 attendance officer before July 1, 1998, in addition to the service
223 rendered by the school attendance officer as an employee of the
224 department.

225 (c) In order for a school attendance officer to be
226 awarded credit for personal leave and major medical leave or to
227 retain the actual unused personal leave and major medical leave
228 accumulated by him before July 1, 1998, the district attorney who
229 employed the school attendance officer must certify, in writing,
230 to the State Department of Education the hire date of the school
231 attendance officer. For each school attendance officer employed
232 by the youth or family court or a state agency before being
233 designated an employee of the district attorney who has not had a
234 break in continuous service, the hire date shall be the date that
235 the school attendance officer was hired by the youth or family
236 court or state agency. The department shall prescribe the date by
237 which the certification must be received by the department and
238 shall provide written notice to all district attorneys of the
239 certification requirement and the date by which the certification
240 must be received.

241 (8) (a) School attendance officers shall maintain regular
242 office hours on a year-round basis; however, during the school
243 term, on those days that teachers in all of the school districts
244 served by a school attendance officer are not required to report



245 to work, the school attendance officer also shall not be required
246 to report to work. (For purposes of this subsection, a school
247 district's school term is that period of time identified as the
248 school term in contracts entered into by the district with
249 licensed personnel.) A school attendance officer shall be
250 required to report to work on any day recognized as an official
251 state holiday if teachers in any school district served by that
252 school attendance officer are required to report to work on that
253 day, regardless of the school attendance officer's status as an
254 employee of the State Department of Education, and compensatory
255 leave may not be awarded to the school attendance officer for
256 working during that day. However, a school attendance officer may
257 be allowed by the school attendance officer's supervisor to use
258 earned leave on such days.

259 (b) The State Department of Education annually shall
260 designate a period of six (6) consecutive weeks in the summer
261 between school years during which school attendance officers shall
262 not be required to report to work. A school attendance officer
263 who elects to work at any time during that period may not be
264 awarded compensatory leave for such work and may not opt to be
265 absent from work at any time other than during the six (6) weeks
266 designated by the department unless the school attendance officer
267 uses personal leave or major medical leave accrued under Section
268 25-3-93 or 25-3-95 for such absence.



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

273 **SECTION 2.** This act shall take effect and be in force from
274 and after July 1, 2023.

