

By: Representatives Holloway, Summers,
Mickens, Porter, Sanford

To: Education;
Appropriations

HOUSE BILL NO. 601

1 AN ACT TO AMEND SECTION 37-13-89, MISSISSIPPI CODE OF 1972,
2 TO PRESCRIBE THE FORMULA TO BE USED FOR THE PURPOSE OF ALLOCATING
3 STATE FUNDS FOR THE EMPLOYMENT OF SCHOOL ATTENDANCE OFFICERS BASED
4 ON THE ASSIGNMENT OF ONE SCHOOL ATTENDANCE OFFICER FOR EVERY 2,000
5 COMPULSORY-SCHOOL-AGE CHILDREN OR A MAJOR FRACTION THEREOF
6 ENROLLED IN THE PUBLIC SCHOOLS OF THE ENTIRE COUNTY; TO INCREASE
7 THE MINIMUM BASE SALARY FOR SCHOOL ATTENDANCE OFFICERS; AND FOR
8 RELATED PURPOSES.

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

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

12 37-13-89. (1) In each school district within the state,
13 there shall be employed the number of school attendance officers
14 determined by the Office of Compulsory School Attendance
15 Enforcement to be necessary to adequately enforce the provisions
16 of the Mississippi Compulsory School Attendance Law * * *, as
17 prescribed in accordance with subsection (6) of this section.

18 From and after July 1, 1998, all school attendance officers
19 employed pursuant to this section shall be employees of the State
20 Department of Education. The State Department of Education shall
21 employ all persons employed as school attendance officers by



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

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



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

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

- 67 (i) The age at which the crime was committed;
68 (ii) The circumstances surrounding the crime;
69 (iii) The length of time since the conviction and
70 criminal history since the conviction;



71 (iv) Prior work history;
72 (v) Current employment status and character
73 references; and
74 (vi) Any other evidence demonstrating the ability
75 of the person to perform the responsibilities of a school
76 attendance officer competently and that the person does not pose a
77 threat to the health or safety of children.

78 (c) A member of the State Board of Education or
79 employee of the State Department of Education may not be held
80 liable in any employment discrimination suit in which an
81 allegation of discrimination is made regarding an employment
82 decision authorized under this section.

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

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



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

98 (b) Cooperate with all courts of competent
99 jurisdiction;

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

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

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

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

116 (g) Contact promptly the home of each
117 compulsory-school-age child in the school district within the
118 officer's jurisdiction who is not enrolled in school or is not in
119 attendance at public school and is without a valid written excuse



120 from school officials; if no valid reason is found for the
121 nonenrollment or absence from the school, the school attendance
122 officer shall give written notice to the parent, guardian or
123 custodian of the requirement for the child's enrollment or
124 attendance;

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

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

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

141 (6) The state shall provide funding for one (1) school
142 attendance officer employed by the State Department of Education
143 for every two thousand (2,000) students who are
144 compulsory-school-age children, as defined in Section



145 37-13-91(2) (f), or a major fraction thereof, enrolled in the
146 public schools of the entire county for the purpose of employing
147 school attendance officers, as defined in Section 37-13-91(2) (g).
148 For purposes of this subsection, the term "major fraction thereof"
149 means the number of students determined by the department to be
150 indicative of the reasonable number of compulsory-school-age
151 children for which a school attendance officer shall be
152 responsible with respect to the potential assignment of the
153 maximum two thousand (2,000) students established herein.

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

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

167	Years of Experience	Salary
168	0 - 4 years	\$ * * * <u>41,500.00</u>
169	5 - 8 years	* * * <u>44,300.00</u>



170	9 - 12 years	* * * <u>45,900.00</u>
171	13 - 16 years	* * * <u>50,300.00</u>
172	Over 17 years	* * * <u>50,700.00</u>

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

177	Years of Experience	Salary
178	0 - 4 years	\$ * * * <u>43,100.00</u>
179	5 - 8 years	* * * <u>45,500.00</u>
180	9 - 12 years	* * * <u>47,900.00</u>
181	13 - 16 years	* * * <u>50,300.00</u>
182	17 - 20 years	* * * <u>52,700.00</u>
183	Over 21 years	* * * <u>53,100.00</u>

184 (c) For school attendance officers holding a master's
185 degree in a behavioral science or a related field, the annual
186 salary shall be based on years of experience as a school
187 attendance officer or related field of service or employment, no
188 less than as follows:

189	Years of Experience	Salary
190	0 - 4 years	\$ * * * <u>45,100.00</u>
191	5 - 8 years	* * * <u>47,925.00</u>
192	9 - 12 years	* * * <u>50,750.00</u>
193	13 - 16 years	* * * <u>53,575.00</u>
194	17 - 20 years	* * * <u>56,400.00</u>



195 Over 21 years * * * 56,925.00

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



220 attendance officer is entitled under this paragraph, the State
221 Department of Education shall authorize the school attendance
222 officer to retain the actual unused personal leave or major
223 medical leave, or both, certified by the district attorney,
224 subject to the maximum amount of personal leave and major medical
225 leave the school attendance officer could have accumulated had he
226 been credited with such leave under Sections 25-3-93 and 25-3-95.

227 (b) For the purpose of determining the accrual rate for
228 personal leave under Section 25-3-93 and major medical leave under
229 Section 25-3-95, the State Department of Education shall give
230 consideration to all continuous service rendered by a school
231 attendance officer before July 1, 1998, in addition to the service
232 rendered by the school attendance officer as an employee of the
233 department.

234 (c) In order for a school attendance officer to be
235 awarded credit for personal leave and major medical leave or to
236 retain the actual unused personal leave and major medical leave
237 accumulated by him before July 1, 1998, the district attorney who
238 employed the school attendance officer must certify, in writing,
239 to the State Department of Education the hire date of the school
240 attendance officer. For each school attendance officer employed
241 by the youth or family court or a state agency before being
242 designated an employee of the district attorney who has not had a
243 break in continuous service, the hire date shall be the date that
244 the school attendance officer was hired by the youth or family



245 court or state agency. The department shall prescribe the date by
246 which the certification must be received by the department and
247 shall provide written notice to all district attorneys of the
248 certification requirement and the date by which the certification
249 must be received.

250 (* * *9) (a) School attendance officers shall maintain
251 regular office hours on a year-round basis; however, during the
252 school term, on those days that teachers in all of the school
253 districts served by a school attendance officer are not required
254 to report to work, the school attendance officer also shall not be
255 required to report to work. (For purposes of this subsection, a
256 school district's school term is that period of time identified as
257 the school term in contracts entered into by the district with
258 licensed personnel.) A school attendance officer shall be
259 required to report to work on any day recognized as an official
260 state holiday if teachers in any school district served by that
261 school attendance officer are required to report to work on that
262 day, regardless of the school attendance officer's status as an
263 employee of the State Department of Education, and compensatory
264 leave may not be awarded to the school attendance officer for
265 working during that day. However, a school attendance officer may
266 be allowed by the school attendance officer's supervisor to use
267 earned leave on such days.

268 (b) The State Department of Education annually shall
269 designate a period of six (6) consecutive weeks in the summer



270 between school years during which school attendance officers shall
271 not be required to report to work. A school attendance officer
272 who elects to work at any time during that period may not be
273 awarded compensatory leave for such work and may not opt to be
274 absent from work at any time other than during the six (6) weeks
275 designated by the department unless the school attendance officer
276 uses personal leave or major medical leave accrued under Section
277 25-3-93 or 25-3-95 for such absence.

278 (* * *10) The State Department of Education shall provide
279 all continuing education and training courses that school
280 attendance officers are required to complete under state law or
281 rules and regulations of the department.

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

