

By: Representative Owen

To: Education

HOUSE BILL NO. 1107

1 AN ACT TO BRING FORWARD SECTIONS 9-1-36, 25-9-127, 25-15-3,  
 2 31-7-1, 37-11-53, 37-13-81, 37-13-83, 37-13-85, 37-13-87,  
 3 37-13-89, 37-13-91, 37-13-107, 37-18-5, 43-21-321, 43-21-801,  
 4 43-21-355 AND 97-37-7, MISSISSIPPI CODE OF 1972, WHICH ARE  
 5 PROVISIONS RELATING TO THE EMPLOYMENT, VARIOUS AUTHORITY GIVEN TO  
 6 AND RESPONSIBILITIES OF SCHOOL ATTENDANCE OFFICERS, FOR PURPOSES  
 7 OF POSSIBLE AMENDMENTS; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 9-1-36, Mississippi Code of 1972, is  
 10 brought forward as follows:

11 9-1-36. (1) Each circuit judge and chancellor shall receive  
 12 an office operating allowance for the expenses of operating the  
 13 office of the judge, including retaining a law clerk, legal  
 14 research, stenographic help, stationery, stamps, furniture, office  
 15 equipment, telephone, office rent and other items and expenditures  
 16 necessary and incident to maintaining the office of judge. The  
 17 allowance shall be paid only to the extent of actual expenses  
 18 incurred by the judge as itemized and certified by the judge to  
 19 the Supreme Court in the amounts set forth in this subsection;  
 20 however, the judge may expend sums in excess thereof from the



21 compensation otherwise provided for his office. No part of this  
22 expense or allowance shall be used to pay an official court  
23 reporter for services rendered to said court.

24 (a) Until July 1, 2008, the office operating allowance  
25 under this subsection shall be not less than Four Thousand Dollars  
26 (\$4,000.00) nor more than Nine Thousand Dollars (\$9,000.00) per  
27 annum.

28 (b) From and after July 1, 2008, the office operating  
29 allowance under this subsection shall be Nine Thousand Dollars  
30 (\$9,000.00) per annum.

31 (2) In addition to the amounts provided for in subsection  
32 (1), there is hereby created a separate office allowance fund for  
33 the purpose of providing support staff to judges. This fund shall  
34 be managed by the Administrative Office of Courts.

35 (3) Each judge who desires to employ support staff after  
36 July 1, 1994, shall make application to the Administrative Office  
37 of Courts by submitting to the Administrative Office of Courts a  
38 proposed personnel plan setting forth what support staff is deemed  
39 necessary. The plan may be submitted by a single judge or by any  
40 combination of judges desiring to share support staff. In the  
41 process of the preparation of the plan, the judges, at their  
42 request, may receive advice, suggestions, recommendations and  
43 other assistance from the Administrative Office of Courts. The  
44 Administrative Office of Courts must approve the positions, job  
45 descriptions and salaries before the positions may be filled. The



46 Administrative Office of Courts shall not approve any plan which  
47 does not first require the expenditure of the funds in the support  
48 staff fund for compensation of any of the support staff before  
49 expenditure is authorized of county funds for that purpose. Upon  
50 approval by the Administrative Office of Courts, the judge or  
51 judges may appoint the employees to the position or positions, and  
52 each employee so appointed will work at the will and pleasure of  
53 the judge or judges who appointed him but will be employees of the  
54 Administrative Office of Courts. Upon approval by the  
55 Administrative Office of Courts, the appointment of any support  
56 staff shall be evidenced by the entry of an order on the minutes  
57 of the court. When support staff is appointed jointly by two (2)  
58 or more judges, the order setting forth any appointment shall be  
59 entered on the minutes of each participating court.

60 (4) The Administrative Office of Courts shall develop and  
61 promulgate minimum qualifications for the certification of court  
62 administrators. Any court administrator appointed on or after  
63 October 1, 1996, shall be required to be certified by the  
64 Administrative Office of Courts.

65 (5) Support staff shall receive compensation pursuant to  
66 personnel policies established by the Administrative Office of  
67 Courts; however:

68 (a) From and after July 1, 1994, the Administrative  
69 Office of Courts shall allocate from the support staff fund an  
70 amount of Forty Thousand Dollars (\$40,000.00) per fiscal year per



71 judge for whom support staff is approved for the funding of  
72 support staff assigned to a judge or judges; and

73 (b) From and after July 1, 2008, the Administrative  
74 Office of Courts shall allocate from the support staff fund an  
75 amount of Forty Thousand Dollars (\$40,000.00), in addition to the  
76 amount provided in paragraph (a). Of the amount provided in this  
77 paragraph (b), each judge shall utilize an amount sufficient to  
78 ensure that judge has access to the services of a law clerk,  
79 whether hired by the judge separately or in concert with another  
80 judge. Any excess funds remaining upon satisfaction of this  
81 requirement may be used for any other support staff as defined in  
82 this section. Any employment pursuant to this subsection shall be  
83 subject to the provisions of Section 25-1-53.

84 The Administrative Office of Courts may approve expenditure  
85 from the fund for additional equipment for support staff appointed  
86 pursuant to this section in any year in which the allocation per  
87 judge is sufficient to meet the equipment expense after provision  
88 for the compensation of the support staff.

89 (6) For the purposes of this section, the following terms  
90 shall have the meaning ascribed herein unless the context clearly  
91 requires otherwise:

92 (a) "Judges" means circuit judges and chancellors, or  
93 any combination thereof;

94 (b) "Support staff" means court administrators, law  
95 clerks, legal research assistants or secretaries, or any



96 combination thereof, but shall not mean school attendance  
97 officers;

98 (c) "Compensation" means the gross salary plus all  
99 amounts paid for benefits or otherwise as a result of employment  
100 or as required by employment; provided, however, that only salary  
101 earned for services rendered shall be reported and credited for  
102 Public Employees' Retirement System purposes. Amounts paid for  
103 benefits or otherwise, including reimbursement for travel  
104 expenses, shall not be reported or credited for retirement  
105 purposes;

106 (d) "Law clerk" means a clerk hired to assist a judge  
107 or judges who has a law degree or who is a full-time law student  
108 who is making satisfactory progress at an accredited law school.

109 (7) Title to all tangible property, excepting stamps,  
110 stationery and minor expendable office supplies, procured with  
111 funds authorized by this section, shall be and forever remain in  
112 the State of Mississippi to be used by the circuit judge or  
113 chancellor during the term of his office and thereafter by his  
114 successors.

115 (8) Any circuit judge or chancellor who did not have a  
116 primary office provided by the county on March 1, 1988, shall be  
117 allowed an additional Four Thousand Dollars (\$4,000.00) per annum  
118 to defray the actual expenses incurred by the judge or chancellor  
119 in maintaining an office; however, any circuit judge or chancellor  
120 who had a primary office provided by the county on March 1, 1988,



121 and who vacated the office space after that date for a legitimate  
122 reason, as determined by the Department of Finance and  
123 Administration, shall be allowed the additional office expense  
124 allowance provided under this subsection. The county in which a  
125 circuit judge or chancellor sits is authorized to provide funds  
126 from any available source to assist in defraying the actual  
127 expenses to maintain an office.

128 (9) The Supreme Court, through the Administrative Office of  
129 Courts, shall submit to the Department of Finance and  
130 Administration the itemized and certified expenses for office  
131 operating allowances that are directed to the court pursuant to  
132 this section.

133 (10) The Supreme Court, through the Administrative Office of  
134 Courts, shall have the power to adopt rules and regulations  
135 regarding the administration of the office operating allowance  
136 authorized pursuant to this section.

137 **SECTION 2.** Section 25-9-127, Mississippi Code of 1972, is  
138 brought forward as follows:

139 25-9-127. (1) No employee of any department, agency or  
140 institution who is included under this chapter or hereafter  
141 included under its authority, and who is subject to the rules and  
142 regulations prescribed by the state personnel system, may be  
143 dismissed or otherwise adversely affected as to compensation or  
144 employment status except for inefficiency or other good cause, and  
145 after written notice and hearing within the department, agency or



146 institution as shall be specified in the rules and regulations of  
147 the State Personnel Board complying with due process of law; and  
148 any employee who has by written notice of dismissal or action  
149 adversely affecting his compensation or employment status shall,  
150 on hearing and on any appeal of any decision made in such action,  
151 be required to furnish evidence that the reasons stated in the  
152 notice of dismissal or action adversely affecting his compensation  
153 or employment status are not true or are not sufficient grounds  
154 for the action taken; however, this provision shall not apply:

155 (a) to persons separated from any department, agency or  
156 institution due to curtailment of funds or reduction in staff when  
157 such separation is in accordance with rules and regulations of the  
158 state personnel system; (b) during the probationary period of  
159 state service of twelve (12) months; and (c) to an executive  
160 officer of any state agency who serves at the will and pleasure of  
161 the Governor, board, commission or other appointing authority.

162 (2) The operation of a state-owned motor vehicle without a  
163 valid Mississippi driver's license by an employee of any  
164 department, agency or institution that is included under this  
165 chapter and that is subject to the rules and regulations of the  
166 state personnel system shall constitute good cause for dismissal  
167 of such person from employment.

168 (3) Beginning July 1, 1999, every male between the ages of  
169 eighteen (18) and twenty-six (26) who is required to register  
170 under the federal Military Selective Service Act, 50 USCS App.



171 453, and who is an employee of the state shall not be promoted to  
172 any higher position of employment with the state until he submits  
173 to the person, commission, board or agency by which he is employed  
174 satisfactory documentation of his compliance with the draft  
175 registration requirements of the Military Selective Service Act.  
176 The documentation shall include a signed affirmation under penalty  
177 of perjury that the male employee has complied with the  
178 requirements of the Military Selective Service Act.

179 (4) For a period of two (2) years beginning July 1, 2014,  
180 the provisions of subsection (1) shall not apply to the personnel  
181 actions of the State Department of Education that are subject to  
182 the rules and regulations of the State Personnel Board, and all  
183 employees of the department shall be classified as nonstate  
184 service during that period. However, any employee hired after  
185 July 1, 2014, by the department shall meet the criteria of the  
186 State Personnel Board as it presently exists for employment. The  
187 State Superintendent of Public Education and the State Board of  
188 Education shall consult with the Office of the Attorney General  
189 before taking personnel actions authorized by this section to  
190 review those actions for compliance with applicable state and  
191 federal law.

192 It is not the intention or effect of this section to include  
193 any school attendance officer in any exemption from coverage under  
194 the State Personnel Board policy or regulations, including, but  
195 not limited to, termination and conditions of employment.





196           (5) (a) For a period of two (2) years beginning July 1,  
197 2015, the provisions of subsection (1) shall not apply to the  
198 personnel actions of the Department of Corrections, and all  
199 employees of the department shall be classified as nonstate  
200 service during that period. However, any employee hired after  
201 July 1, 2015, by the department shall meet the criteria of the  
202 State Personnel Board as it presently exists for employment.

203           (b) Additionally, for a period of one (1) year  
204 beginning July 1, 2016, the personnel actions of the Commissioner  
205 of the Department of Corrections shall be exempt from State  
206 Personnel Board rules, regulations and procedures in order to give  
207 the commissioner flexibility in making an orderly, effective and  
208 timely reorganization and realignment of the department.

209           (c) The Commissioner of Corrections shall consult with  
210 the Office of the Attorney General before personnel actions  
211 authorized by this section to review those actions for compliance  
212 with applicable state and federal law.

213           (6) Through July 1, 2020, the provisions of subsection (1)  
214 of this section shall not apply to the personnel actions of the  
215 Department of Human Services that are subject to the rules and  
216 regulations of the State Personnel Board, and all employees of the  
217 department shall be classified as nonstate service during that  
218 period. Any employee hired on or after July 1, 2020, by the  
219 department shall meet the criteria of the State Personnel Board as  
220 it presently exists for employment. The Executive Director of



221 Human Services shall consult with the Office of the Attorney  
222 General before taking personnel actions authorized by this section  
223 to review those actions for compliance with applicable state and  
224 federal law.

225 (7) Through July 1, 2020, the provisions of subsection (1)  
226 of this section shall not apply to the personnel actions of the  
227 Department of Child Protection Services that are subject to the  
228 rules and regulations of the State Personnel Board, and all  
229 employees of the department shall be classified as nonstate  
230 service during that period. Any employee hired on or after July  
231 1, 2020, by the division shall meet the criteria of the State  
232 Personnel Board as it presently exists for employment. The  
233 Commissioner of Child Protection Services shall consult with the  
234 Office of the Attorney General before taking personnel actions  
235 authorized by this section to review those actions for compliance  
236 with applicable state and federal law.

237 (8) Any state agency whose personnel actions are exempted in  
238 this section from the rules, regulations and procedures of the  
239 State Personnel Board shall file with the State Personnel Board,  
240 Lieutenant Governor, Speaker of the House of Representatives,  
241 Legislative Budget Office, Joint Legislative Committee on  
242 Performance Evaluation and Expenditure Review (PEER), and the  
243 members of the Senate and House Accountability, Efficiency and  
244 Transparency Committees an annual report no later than July 1 of



245 each year while under the exemption. Such annual report shall  
246 contain the following information:

247 (a) The number of current employees who received an  
248 increase in salary during the past fiscal year and the amount of  
249 the increase;

250 (b) The number of employees who were dismissed from the  
251 agency or otherwise adversely affected as to compensation or  
252 employment status during the past fiscal year, including a  
253 description of such adverse effects;

254 (c) The number of new employees hired during the past  
255 fiscal year and the starting salaries of each new employee; and

256 (d) Quantifiable measures showing that the actions  
257 taken under authority of an exemption granted by this section have  
258 improved efficiency or effectiveness, or both, of the agency's  
259 operations.

260 **SECTION 3.** Section 25-15-3, Mississippi Code of 1972, is  
261 brought forward as follows:

262 25-15-3. For the purposes of this article, the words and  
263 phrases used herein shall have the following meanings:

264 (a) "Employee" means a person who works full time for  
265 the State of Mississippi and receives his compensation in a direct  
266 payment from a department, agency or institution of the state  
267 government and any person who works full time for any school  
268 district, community/junior college, public library or  
269 university-based program authorized under Section 37-23-31 for



270 deaf, aphasic and emotionally disturbed children or any regular  
271 nonstudent bus driver. This shall include legislators, employees  
272 of the legislative branch and the judicial branch of the state and  
273 "employees" shall include full-time salaried judges and full-time  
274 district attorneys and their staff and full-time compulsory school  
275 attendance officers. For the purposes of this article, any  
276 "employee" making contributions to the State of Mississippi  
277 retirement plan shall be considered a full-time employee.

278 (b) "Department" means the Department of Finance and  
279 Administration.

280 (c) "Plan" means the State and School Employees Life  
281 and Health Insurance Plan created under this article.

282 (d) "Fund" means the State and School Employees  
283 Insurance Fund set up under this article.

284 (e) "Retiree" means any employee retired under the  
285 Mississippi retirement plan.

286 (f) "Board" means the State and School Employees Health  
287 Insurance Management Board created under Section 25-15-303.

288 **SECTION 4.** Section 31-7-1, Mississippi Code of 1972, is  
289 brought forward as follows:

290 31-7-1. The following terms are defined for the purposes of  
291 this chapter to have the following meanings:

292 (a) "Agency" means any state board, commission,  
293 committee, council, university, department or unit thereof created  
294 by the Constitution or statutes if such board, commission,



295 committee, council, university, department, unit or the head  
296 thereof is authorized to appoint subordinate staff by the  
297 Constitution or statute, except a legislative or judicial board,  
298 commission, committee, council, department or unit thereof; except  
299 a charter school authorized by the Mississippi Charter School  
300 Authorizer Board; and except the Mississippi State Port Authority;  
301 except the Mississippi School of the Arts (MSA) established in  
302 Section 37-140-1 et seq. for the sole purpose of the application  
303 of the term "agency" as it pertains to the Public Procurement  
304 Review Board's powers and responsibilities as defined in Section  
305 27-104-7(2) (a), but without application to the use of the term  
306 within this chapter, effective July 1, 2020; and except the  
307 Mississippi School for the Blind and the Mississippi School for  
308 the Deaf (MSBD) for the sole purpose of the application of the  
309 term "agency" as it pertains to the Public Procurement Review  
310 Board's powers and responsibilities as defined in Section  
311 27-104-7(2) (a), but without application to the use of the term  
312 within this chapter, effective July 1, 2021. An academic medical  
313 center or health sciences school as defined in Section 37-115-50  
314 is not an "agency" for those purchases of commodities as defined  
315 in this section that are used for clinical purposes and (i)  
316 intended for use in the diagnosis of disease or other conditions  
317 or in the cure, mitigation, treatment or prevention of disease,  
318 and (ii) medical devices, biological, drugs and radiation emitting



319 devices as defined by the United States Food and Drug  
320 Administration.

321           (b) "Governing authority" means boards of supervisors,  
322 governing boards of all school districts, all boards of directors  
323 of public water supply districts, boards of directors of master  
324 public water supply districts, municipal public utility  
325 commissions, governing authorities of all municipalities, port  
326 authorities, Mississippi State Port Authority, commissioners and  
327 boards of trustees of any public hospitals, boards of trustees of  
328 public library systems, district attorneys, school attendance  
329 officers and any political subdivision of the state supported  
330 wholly or in part by public funds of the state or political  
331 subdivisions thereof, including commissions, boards and agencies  
332 created or operated under the authority of any county or  
333 municipality of this state. The term "governing authority" shall  
334 not include economic development authorities supported in part by  
335 private funds, or commissions appointed to hold title to and  
336 oversee the development and management of lands and buildings  
337 which are donated by private individuals to the public for the use  
338 and benefit of the community and which are supported in part by  
339 private funds. The term "governing authority" also shall not  
340 include the governing board of a charter school. The term  
341 "governing authority" also shall not include the Mississippi  
342 School of the Arts established in Section 37-140-1 et seq., for  
343 the sole purpose of the application of the term "agency" as it



344 pertains to the Public Procurement Review Board's powers and  
345 responsibilities as defined in Section 27-104-7(2) (a), but without  
346 application to the use of the term within this chapter, effective  
347 July 1, 2020. The term "governing authority" also shall not  
348 include the Mississippi School for the Blind and the Mississippi  
349 School for the Deaf (MSBD) for the sole purpose of the application  
350 of the term "governing authority" as it pertains to the Public  
351 Procurement Review Board's powers and responsibilities as defined  
352 in Section 27-104-7(2) (a), but without application to the use of  
353 the term within this chapter, effective July 1, 2021.

354 (c) "Purchasing agent" means any administrator,  
355 superintendent, purchase clerk or other chief officer so  
356 designated having general or special authority to negotiate for  
357 and make private contract for or purchase for any governing  
358 authority or agency, including issue purchase orders, invitations  
359 for bid, requests for proposals, and receive and accept bids.

360 (d) "Public funds" means and includes any appropriated  
361 funds, special funds, fees or any other emoluments received by an  
362 agency or governing authority.

363 (e) "Commodities" means and includes the various  
364 commodities, goods, merchandise, furniture, equipment, automotive  
365 equipment of every kind, and other personal property purchased by  
366 the agencies of the state and governing authorities, but not  
367 commodities purchased for resale or raw materials converted into  
368 products for resale.



369 (i) "Equipment" shall be construed to include:  
370 automobiles, trucks, tractors, office appliances and all other  
371 equipment of every kind and description.

372 (ii) "Furniture" shall be construed to include:  
373 desks, chairs, tables, seats, filing cabinets, bookcases and all  
374 other items of a similar nature as well as dormitory furniture,  
375 appliances, carpets and all other items of personal property  
376 generally referred to as home, office or school furniture.

377 (f) "Emergency" means any circumstances caused by fire,  
378 flood, explosion, storm, earthquake, epidemic, riot, insurrection  
379 or caused by any inherent defect due to defective construction, or  
380 when the immediate preservation of order or of public health is  
381 necessary by reason of unforeseen emergency, or when the immediate  
382 restoration of a condition of usefulness of any public building,  
383 equipment, road or bridge appears advisable, or in the case of a  
384 public utility when there is a failure of any machine or other  
385 thing used and useful in the generation, production or  
386 distribution of electricity, water or natural gas, or in the  
387 transportation or treatment of sewage; or when the delay incident  
388 to obtaining competitive bids could cause adverse impact upon the  
389 governing authorities or agency, its employees or its citizens; or  
390 in the case of a public airport, when the delay incident to  
391 publishing an advertisement for competitive bids would endanger  
392 public safety in a specific (not general) manner, result in or





393 perpetuate a specific breach of airport security, or prevent the  
394 airport from providing specific air transportation services.

395 (g) "Construction" means the process of building,  
396 altering, improving, renovating or demolishing a public structure,  
397 public building, or other public real property. It does not  
398 include routine operation, routine repair or regularly scheduled  
399 maintenance of existing public structures, public buildings or  
400 other public real property.

401 (h) "Purchase" means buying, renting, leasing or  
402 otherwise acquiring.

403 (i) "Certified purchasing office" means any purchasing  
404 office in which fifty percent (50%) or more of the purchasing  
405 agents hold a certification from the Universal Public Purchasing  
406 Certification Council or other nationally recognized purchasing  
407 certification, and in which, in the case of a state agency  
408 purchasing office, in addition to the national certification, one  
409 hundred percent (100%) of the purchasing officials hold a  
410 certification from the State of Mississippi's Basic or Advanced  
411 Purchasing Certification Program.

412 (j) "Certified Mississippi Purchasing Agent" means a  
413 state agency purchasing official who holds a certification from  
414 the Mississippi Basic Purchasing Certification Program as  
415 established by the Office of Purchasing, Travel and Fleet  
416 Management.



417 (k) "Certified Mississippi Procurement Manager" means a  
418 state agency purchasing official who holds a certification from  
419 the Mississippi Advanced Purchasing Certification Program as  
420 established by the Office of Purchasing, Travel and Fleet  
421 Management.

422 **SECTION 5.** Section 37-11-53, Mississippi Code of 1972, is  
423 brought forward as follows:

424 37-11-53. (1) A copy of the school district's discipline  
425 plan shall be distributed to each student enrolled in the  
426 district, and the parents, guardian or custodian of such student  
427 shall sign a statement verifying that they have been given notice  
428 of the discipline policies of their respective school district.  
429 The school board shall have its official discipline plan and code  
430 of student conduct legally audited on an annual basis to insure  
431 that its policies and procedures are currently in compliance with  
432 applicable statutes, case law and state and federal constitutional  
433 provisions. As part of the first legal audit occurring after July  
434 1, 2001, the provisions of this section, Section 37-11-55 and  
435 Section 37-11-18.1 shall be fully incorporated into the school  
436 district's discipline plan and code of student conduct.

437 (2) All discipline plans of school districts shall include,  
438 but not be limited to, the following:

439 (a) A parent, guardian or custodian of a  
440 compulsory-school-age child enrolled in a public school district



441 shall be responsible financially for his or her minor child's  
442 destructive acts against school property or persons;

443 (b) A parent, guardian or custodian of a  
444 compulsory-school-age child enrolled in a public school district  
445 may be requested to appear at school by the school attendance  
446 officer or an appropriate school official for a conference  
447 regarding acts of the child specified in paragraph (a) of this  
448 subsection, or for any other discipline conference regarding the  
449 acts of the child;

450 (c) Any parent, guardian or custodian of a  
451 compulsory-school-age child enrolled in a school district who  
452 refuses or willfully fails to attend such discipline conference  
453 specified in paragraph (b) of this section may be summoned by  
454 proper notification by the superintendent of schools or the school  
455 attendance officer and be required to attend such discipline  
456 conference; and

457 (d) A parent, guardian or custodian of a  
458 compulsory-school-age child enrolled in a public school district  
459 shall be responsible for any criminal fines brought against such  
460 student for unlawful activity occurring on school grounds or  
461 buses.

462 (3) Any parent, guardian or custodian of a  
463 compulsory-school-age child who (a) fails to attend a discipline  
464 conference to which such parent, guardian or custodian has been  
465 summoned under the provisions of this section, or (b) refuses or



466 willfully fails to perform any other duties imposed upon him or  
467 her under the provisions of this section, shall be guilty of a  
468 misdemeanor and, upon conviction, shall be fined not to exceed Two  
469 Hundred Fifty Dollars (\$250.00).

470 (4) Any public school district shall be entitled to recover  
471 damages in an amount not to exceed Twenty Thousand Dollars  
472 (\$20,000.00), plus necessary court costs, from the parents of any  
473 minor under the age of eighteen (18) years and over the age of six  
474 (6) years, who maliciously and willfully damages or destroys  
475 property belonging to such school district. However, this section  
476 shall not apply to parents whose parental control of such child  
477 has been removed by court order or decree. The action authorized  
478 in this section shall be in addition to all other actions which  
479 the school district is entitled to maintain and nothing in this  
480 section shall preclude recovery in a greater amount from the minor  
481 or from a person, including the parents, for damages to which such  
482 minor or other person would otherwise be liable.

483 (5) A school district's discipline plan may provide that as  
484 an alternative to suspension, a student may remain in school by  
485 having the parent, guardian or custodian, with the consent of the  
486 student's teacher or teachers, attend class with the student for a  
487 period of time specifically agreed upon by the reporting teacher  
488 and school principal. If the parent, guardian or custodian does  
489 not agree to attend class with the student or fails to attend  
490 class with the student, the student shall be suspended in



491 accordance with the code of student conduct and discipline  
492 policies of the school district.

493         **SECTION 6.** Section 37-13-81, Mississippi Code of 1972, is  
494 brought forward as follows:

495             37-13-81. There is created the Office of Compulsory School  
496 Attendance Enforcement within the Office of Dropout Prevention of  
497 the State Department of Education. The office shall be  
498 responsible for the administration of a statewide system of  
499 enforcement of the Mississippi Compulsory School Attendance Law  
500 (Section 37-13-91) and for the supervision of school attendance  
501 officers throughout the state.

502         **SECTION 7.** Section 37-13-83, Mississippi Code of 1972, is  
503 brought forward as follows:

504             37-13-83. The State Superintendent of Public Education shall  
505 appoint a director for the Office of Compulsory School Attendance  
506 Enforcement, who shall meet all qualifications established for  
507 school attendance officer supervisors and any additional  
508 qualifications that may be established by the State Superintendent  
509 of Public Education or State Personnel Board. The director shall  
510 be responsible for the proper administration of the Office of  
511 Compulsory School Attendance Enforcement in conformity with the  
512 Mississippi Compulsory School Attendance Law and any other  
513 regulations or policies that may be adopted by the State Board of  
514 Education. The director shall report directly to the Director of  
515 the Office of Dropout Prevention.



516           **SECTION 8.** Section 37-13-85, Mississippi Code of 1972, is  
517 brought forward as follows:

518           37-13-85. The Office of Compulsory School Attendance  
519 Enforcement shall have the following powers and duties, in  
520 addition to all others imposed or granted by law:

521           (a) To establish any policies or guidelines concerning  
522 the employment of school attendance officers which serve to  
523 effectuate a uniform system of enforcement under the Mississippi  
524 Compulsory School Attendance Law throughout the state, and to  
525 designate the number of school attendance officers which shall be  
526 employed to serve in each school district area;

527           (b) To supervise and assist school attendance officer  
528 supervisors in the performance of their duties;

529           (c) To establish minimum standards for enrollment and  
530 attendance for the state and each individual school district, and  
531 to monitor the success of the state and districts in achieving the  
532 required levels of performance;

533           (d) To provide to school districts failing to meet the  
534 established standards for enrollment and attendance assistance in  
535 reducing absenteeism or the dropout rates in those districts;

536           (e) To establish any qualifications, in addition to  
537 those required under Section 37-13-89, for school attendance  
538 officers as the office deems necessary to further the purposes of  
539 the Mississippi Compulsory School Attendance Law;



540           (f) To develop and implement a system under which  
541 school districts are required to maintain accurate records that  
542 document enrollment and attendance in such a manner that the  
543 records reflect all changes in enrollment and attendance, and to  
544 require school attendance officers to submit information  
545 concerning public school attendance on a monthly basis to the  
546 office;

547           (g) To prepare the form of the certificate of  
548 enrollment required under the Mississippi Compulsory School  
549 Attendance Law and to furnish a sufficient number of the  
550 certificates of enrollment to each school attendance officer in  
551 the state;

552           (h) To provide to the State Board of Education  
553 statistical information concerning absenteeism, dropouts and other  
554 attendance-related problems as requested by the State Board of  
555 Education;

556           (i) To provide for the certification of school  
557 attendance officers;

558           (j) To provide for a course of training and education  
559 for school attendance officers, and to require successful  
560 completion of the course as a prerequisite to certification by the  
561 office as school attendance officers;

562           (k) To adopt any guidelines or policies the office  
563 deems necessary to effectuate an orderly transition from the



564 supervision of school attendance officers by district attorneys to  
565 the supervision by the school attendance officer supervisors;

566 (l) Beginning on July 1, 1998, to require school  
567 attendance officer supervisors to employ persons employed by  
568 district attorneys before July 1, 1998, as school attendance  
569 officers without requiring such persons to submit an application  
570 or interview for employment with the State Department of  
571 Education;

572 (m) To adopt policies or guidelines linking the duties  
573 of school attendance officers to the appropriate courts, law  
574 enforcement agencies and community service providers; and

575 (n) To adopt any other policies or guidelines that the  
576 office deems necessary for the enforcement of the Mississippi  
577 Compulsory School Attendance Law; however, the policies or  
578 guidelines shall not add to or contradict with the requirements of  
579 Section 37-13-91.

580 **SECTION 9.** Section 37-13-87, Mississippi Code of 1972, is  
581 brought forward as follows:

582 37-13-87. (1) The Director of the Office of Compulsory  
583 School Attendance Enforcement shall employ three (3) school  
584 attendance officer supervisors, each to maintain an office within  
585 a different Supreme Court district. Each supervisor shall be  
586 responsible for the enforcement of the Mississippi Compulsory  
587 School Attendance Law within his district and shall exercise  
588 direct supervision over the school attendance officers in the





589 district. The supervisors, who shall report to the director of  
590 the office, shall assist the school attendance officers in the  
591 performance of their duties as established by law or otherwise.

592 (2) No person having less than eight (8) years combined  
593 actual experience as a school attendance officer, school teacher,  
594 school administrator, law enforcement officer possessing a college  
595 degree with a major in a behavioral science or a related field,  
596 and/or social worker in the state shall be employed as a school  
597 attendance officer supervisor. Further, a school attendance  
598 officer supervisor shall possess a college degree with a major in  
599 a behavioral science or a related field or shall have actual  
600 experience as a school teacher, school administrator, law  
601 enforcement officer possessing such degree or social worker;  
602 however, these requirements shall not apply to persons employed as  
603 school attendance officers before January 1, 1987. School  
604 attendance officers shall meet any additional qualifications  
605 established by the State Personnel Board for school attendance  
606 officers or school attendance officer supervisors. The school  
607 attendance officer supervisors shall receive an annual salary to  
608 be set by the State Superintendent of Public Education, subject to  
609 the approval of the State Personnel Board.

610 **SECTION 10.** Section 37-13-89, Mississippi Code of 1972, is  
611 brought forward as follows:

612 37-13-89. (1) In each school district within the state,  
613 there shall be employed the number of school attendance officers



614 determined by the Office of Compulsory School Attendance  
615 Enforcement to be necessary to adequately enforce the provisions  
616 of the Mississippi Compulsory School Attendance Law; however, this  
617 number shall not exceed one hundred fifty-three (153) school  
618 attendance officers at any time. From and after July 1, 1998, all  
619 school attendance officers employed pursuant to this section shall  
620 be employees of the State Department of Education. The State  
621 Department of Education shall employ all persons employed as  
622 school attendance officers by district attorneys before July 1,  
623 1998, and shall assign them to school attendance responsibilities  
624 in the school district in which they were employed before July 1,  
625 1998. The first twelve (12) months of employment for each school  
626 attendance officer shall be the probationary period of state  
627 service.

628       (2) (a) The State Department of Education shall obtain  
629 current criminal records background checks and current child abuse  
630 registry checks on all persons applying for the position of school  
631 attendance officer after July 2, 2002. The criminal records  
632 information and registry checks must be kept on file for any new  
633 hires. In order to determine an applicant's suitability for  
634 employment as a school attendance officer, the applicant must be  
635 fingerprinted. If no disqualifying record is identified at the  
636 state level, the Department of Public Safety shall forward the  
637 fingerprints to the Federal Bureau of Investigation (FBI) for a  
638 national criminal history record check. The applicant shall pay



639 the fee, not to exceed Fifty Dollars (\$50.00), for the  
640 fingerprinting and criminal records background check; however, the  
641 State Department of Education, in its discretion, may pay the fee  
642 for the fingerprinting and criminal records background check on  
643 behalf of any applicant. Under no circumstances may a member of  
644 the State Board of Education, employee of the State Department of  
645 Education or any person other than the subject of the criminal  
646 records background check disseminate information received through  
647 any such checks except insofar as required to fulfill the purposes  
648 of this subsection.

649 (b) If the fingerprinting or criminal records check  
650 discloses a felony conviction, guilty plea or plea of nolo  
651 contendere to a felony of possession or sale of drugs, murder,  
652 manslaughter, armed robbery, rape, sexual battery, sex offense  
653 listed in Section 45-33-23(h), child abuse, arson, grand larceny,  
654 burglary, gratification of lust or aggravated assault which has  
655 not been reversed on appeal or for which a pardon has not been  
656 granted, the applicant is not eligible to be employed as a school  
657 attendance officer. Any employment of an applicant pending the  
658 results of the fingerprinting and criminal records check is  
659 voidable if the new hire receives a disqualifying criminal records  
660 check. However, the State Board of Education, in its discretion,  
661 may allow an applicant aggrieved by an employment decision under  
662 this subsection to appear before the board, or before a hearing  
663 officer designated for that purpose, to show mitigating



664 circumstances that may exist and allow the new hire to be employed  
665 as a school attendance officer. The State Board of Education may  
666 grant waivers for mitigating circumstances, which may include, but  
667 are not necessarily limited to: (i) age at which the crime was  
668 committed; (ii) circumstances surrounding the crime; (iii) length  
669 of time since the conviction and criminal history since the  
670 conviction; (iv) work history; (v) current employment and  
671 character references; and (vi) other evidence demonstrating the  
672 ability of the person to perform the responsibilities of a school  
673 attendance officer competently and that the person does not pose a  
674 threat to the health or safety of children.

675 (c) A member of the State Board of Education or  
676 employee of the State Department of Education may not be held  
677 liable in any employment discrimination suit in which an  
678 allegation of discrimination is made regarding an employment  
679 decision authorized under this section.

680 (3) Each school attendance officer shall possess a college  
681 degree with a major in a behavioral science or a related field or  
682 shall have no less than three (3) years combined actual experience  
683 as a school teacher, school administrator, law enforcement officer  
684 possessing such degree, and/or social worker; however, these  
685 requirements shall not apply to persons employed as school  
686 attendance officers before January 1, 1987. School attendance  
687 officers also shall satisfy any additional requirements that may



688 be established by the State Personnel Board for the position of  
689 school attendance officer.

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

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

695 (b) Cooperate with all courts of competent  
696 jurisdiction;

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

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

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

706 (f) Contact the home or place of residence of a  
707 compulsory-school-age child and any other place in which the  
708 officer is likely to find any compulsory-school-age child when the  
709 child is absent from school during school hours without a valid  
710 written excuse from school officials, and when the child is found,  
711 the officer shall notify the parents and school officials as to  
712 where the child was physically located;



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

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

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

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



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

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

751	Years of Experience	Salary
752	0 - 4 years	\$24,528.29
753	5 - 8 years	26,485.29
754	9 - 12 years	28,050.89
755	13 - 16 years	29,616.49
756	Over 17 years	31,182.09

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

761	Years of Experience	Salary
762	0 - 4 years	\$25,558.29



763	5 - 8 years	27,927.29
764	9 - 12 years	29,822.49
765	13 - 16 years	31,717.69
766	17 - 20 years	33,612.89
767	Over 21 years	35,415.39

768 (c) For school attendance officers holding a master's  
769 degree in a behavioral science or a related field, the annual  
770 salary shall be based on years of experience as a school  
771 attendance officer or related field of service or employment, no  
772 less than as follows:

773	Years of Experience	Salary
774	0 - 4 years	\$26,382.29
775	5 - 8 years	29,008.79
776	9 - 12 years	31,109.99
777	13 - 16 years	33,211.19
778	17 - 20 years	35,312.39
779	Over 21 years	37,413.59

780 (7) (a) Each school attendance officer employed by a  
781 district attorney on June 30, 1998, who became an employee of the  
782 State Department of Education on July 1, 1998, shall be awarded  
783 credit for personal leave and major medical leave for his  
784 continuous service as a school attendance officer under the  
785 district attorney, and if applicable, the youth or family court or  
786 a state agency. The credit for personal leave shall be in an  
787 amount equal to one-third (1/3) of the maximum personal leave the





788 school attendance officer could have accumulated had he been  
789 credited with such leave under Section 25-3-93 during his  
790 employment with the district attorney, and if applicable, the  
791 youth or family court or a state agency. The credit for major  
792 medical leave shall be in an amount equal to one-half (1/2) of the  
793 maximum major medical leave the school attendance officer could  
794 have accumulated had he been credited with such leave under  
795 Section 25-3-95 during his employment with the district attorney,  
796 and if applicable, the youth or family court or a state agency.  
797 However, if a district attorney who employed a school attendance  
798 officer on June 30, 1998, certifies, in writing, to the State  
799 Department of Education that the school attendance officer had  
800 accumulated, pursuant to a personal leave policy or major medical  
801 leave policy lawfully adopted by the district attorney, a number  
802 of days of unused personal leave or major medical leave, or both,  
803 which is greater than the number of days to which the school  
804 attendance officer is entitled under this paragraph, the State  
805 Department of Education shall authorize the school attendance  
806 officer to retain the actual unused personal leave or major  
807 medical leave, or both, certified by the district attorney,  
808 subject to the maximum amount of personal leave and major medical  
809 leave the school attendance officer could have accumulated had he  
810 been credited with such leave under Sections 25-3-93 and 25-3-95.

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



813 Section 25-3-95, the State Department of Education shall give  
814 consideration to all continuous service rendered by a school  
815 attendance officer before July 1, 1998, in addition to the service  
816 rendered by the school attendance officer as an employee of the  
817 department.

818 (c) In order for a school attendance officer to be  
819 awarded credit for personal leave and major medical leave or to  
820 retain the actual unused personal leave and major medical leave  
821 accumulated by him before July 1, 1998, the district attorney who  
822 employed the school attendance officer must certify, in writing,  
823 to the State Department of Education the hire date of the school  
824 attendance officer. For each school attendance officer employed  
825 by the youth or family court or a state agency before being  
826 designated an employee of the district attorney who has not had a  
827 break in continuous service, the hire date shall be the date that  
828 the school attendance officer was hired by the youth or family  
829 court or state agency. The department shall prescribe the date by  
830 which the certification must be received by the department and  
831 shall provide written notice to all district attorneys of the  
832 certification requirement and the date by which the certification  
833 must be received.

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



838 to work, the school attendance officer also shall not be required  
839 to report to work. (For purposes of this subsection, a school  
840 district's school term is that period of time identified as the  
841 school term in contracts entered into by the district with  
842 licensed personnel.) A school attendance officer shall be  
843 required to report to work on any day recognized as an official  
844 state holiday if teachers in any school district served by that  
845 school attendance officer are required to report to work on that  
846 day, regardless of the school attendance officer's status as an  
847 employee of the State Department of Education, and compensatory  
848 leave may not be awarded to the school attendance officer for  
849 working during that day. However, a school attendance officer may  
850 be allowed by the school attendance officer's supervisor to use  
851 earned leave on such days.

852 (b) The State Department of Education annually shall  
853 designate a period of six (6) consecutive weeks in the summer  
854 between school years during which school attendance officers shall  
855 not be required to report to work. A school attendance officer  
856 who elects to work at any time during that period may not be  
857 awarded compensatory leave for such work and may not opt to be  
858 absent from work at any time other than during the six (6) weeks  
859 designated by the department unless the school attendance officer  
860 uses personal leave or major medical leave accrued under Section  
861 25-3-93 or 25-3-95 for such absence.



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

866 **SECTION 11.** Section 37-13-91, Mississippi Code of 1972, is  
867 brought forward as follows:

868 37-13-91. (1) This section shall be referred to as the  
869 "Mississippi Compulsory School Attendance Law."

870 (2) The following terms as used in this section are defined  
871 as follows:

872 (a) "Parent" means the father or mother to whom a child  
873 has been born, or the father or mother by whom a child has been  
874 legally adopted.

875 (b) "Guardian" means a guardian of the person of a  
876 child, other than a parent, who is legally appointed by a court of  
877 competent jurisdiction.

878 (c) "Custodian" means any person having the present  
879 care or custody of a child, other than a parent or guardian of the  
880 child.

881 (d) "School day" means not less than five and one-half  
882 (5-1/2) and not more than eight (8) hours of actual teaching in  
883 which both teachers and pupils are in regular attendance for  
884 scheduled schoolwork.

885 (e) "School" means any public school, including a  
886 charter school, in this state or any nonpublic school in this



887 state which is in session each school year for at least one  
888 hundred eighty (180) school days, except that the "nonpublic"  
889 school term shall be the number of days that each school shall  
890 require for promotion from grade to grade.

891 (f) "Compulsory-school-age child" means a child who has  
892 attained or will attain the age of six (6) years on or before  
893 September 1 of the calendar year and who has not attained the age  
894 of seventeen (17) years on or before September 1 of the calendar  
895 year; and shall include any child who has attained or will attain  
896 the age of five (5) years on or before September 1 and has  
897 enrolled in a full-day public school kindergarten program.

898 (g) "School attendance officer" means a person employed  
899 by the State Department of Education pursuant to Section 37-13-89.

900 (h) "Appropriate school official" means the  
901 superintendent of the school district, or his designee, or, in the  
902 case of a nonpublic school, the principal or the headmaster.

903 (i) "Nonpublic school" means an institution for the  
904 teaching of children, consisting of a physical plant, whether  
905 owned or leased, including a home, instructional staff members and  
906 students, and which is in session each school year. This  
907 definition shall include, but not be limited to, private, church,  
908 parochial and home instruction programs.

909 (3) A parent, guardian or custodian of a  
910 compulsory-school-age child in this state shall cause the child to  
911 enroll in and attend a public school or legitimate nonpublic



912 school for the period of time that the child is of compulsory  
913 school age, except under the following circumstances:

914 (a) When a compulsory-school-age child is physically,  
915 mentally or emotionally incapable of attending school as  
916 determined by the appropriate school official based upon  
917 sufficient medical documentation.

918 (b) When a compulsory-school-age child is enrolled in  
919 and pursuing a course of special education, remedial education or  
920 education for handicapped or physically or mentally disadvantaged  
921 children.

922 (c) When a compulsory-school-age child is being  
923 educated in a legitimate home instruction program.

924 The parent, guardian or custodian of a compulsory-school-age  
925 child described in this subsection, or the parent, guardian or  
926 custodian of a compulsory-school-age child attending any charter  
927 school or nonpublic school, or the appropriate school official for  
928 any or all children attending a charter school or nonpublic school  
929 shall complete a "certificate of enrollment" in order to  
930 facilitate the administration of this section.

931 The form of the certificate of enrollment shall be prepared  
932 by the Office of Compulsory School Attendance Enforcement of the  
933 State Department of Education and shall be designed to obtain the  
934 following information only:

935 (i) The name, address, telephone number and date  
936 of birth of the compulsory-school-age child;



937                   (ii) The name, address and telephone number of the  
938 parent, guardian or custodian of the compulsory-school-age child;

939                   (iii) A simple description of the type of  
940 education the compulsory-school-age child is receiving and, if the  
941 child is enrolled in a nonpublic school, the name and address of  
942 the school; and

943                   (iv) The signature of the parent, guardian or  
944 custodian of the compulsory-school-age child or, for any or all  
945 compulsory-school-age child or children attending a charter school  
946 or nonpublic school, the signature of the appropriate school  
947 official and the date signed.

948           The certificate of enrollment shall be returned to the school  
949 attendance officer where the child resides on or before September  
950 15 of each year. Any parent, guardian or custodian found by the  
951 school attendance officer to be in noncompliance with this section  
952 shall comply, after written notice of the noncompliance by the  
953 school attendance officer, with this subsection within ten (10)  
954 days after the notice or be in violation of this section.

955 However, in the event the child has been enrolled in a public  
956 school within fifteen (15) calendar days after the first day of  
957 the school year as required in subsection (6), the parent or  
958 custodian may, at a later date, enroll the child in a legitimate  
959 nonpublic school or legitimate home instruction program and send  
960 the certificate of enrollment to the school attendance officer and  
961 be in compliance with this subsection.



962 For the purposes of this subsection, a legitimate nonpublic  
963 school or legitimate home instruction program shall be those not  
964 operated or instituted for the purpose of avoiding or  
965 circumventing the compulsory attendance law.

966 (4) An "unlawful absence" is an absence for an entire school  
967 day or during part of a school day by a compulsory-school-age  
968 child, which absence is not due to a valid excuse for temporary  
969 nonattendance. For purposes of reporting absenteeism under  
970 subsection (6) of this section, if a compulsory-school-age child  
971 has an absence that is more than thirty-seven percent (37%) of the  
972 instructional day, as fixed by the school board for the school at  
973 which the compulsory-school-age child is enrolled, the child must  
974 be considered absent the entire school day. Days missed from  
975 school due to disciplinary suspension shall not be considered an  
976 "excused" absence under this section. This subsection shall not  
977 apply to children enrolled in a nonpublic school.

978 Each of the following shall constitute a valid excuse for  
979 temporary nonattendance of a compulsory-school-age child enrolled  
980 in a noncharter public school, provided satisfactory evidence of  
981 the excuse is provided to the superintendent of the school  
982 district, or his designee:

983 (a) An absence is excused when the absence results from  
984 the compulsory-school-age child's attendance at an authorized  
985 school activity with the prior approval of the superintendent of  
986 the school district, or his designee. These activities may





987 include field trips, athletic contests, student conventions,  
988 musical festivals and any similar activity.

989 (b) An absence is excused when the absence results from  
990 illness or injury which prevents the compulsory-school-age child  
991 from being physically able to attend school.

992 (c) An absence is excused when isolation of a  
993 compulsory-school-age child is ordered by the county health  
994 officer, by the State Board of Health or appropriate school  
995 official.

996 (d) An absence is excused when it results from the  
997 death or serious illness of a member of the immediate family of a  
998 compulsory-school-age child. The immediate family members of a  
999 compulsory-school-age child shall include children, spouse,  
1000 grandparents, parents, brothers and sisters, including  
1001 stepbrothers and stepsisters.

1002 (e) An absence is excused when it results from a  
1003 medical or dental appointment of a compulsory-school-age child.

1004 (f) An absence is excused when it results from the  
1005 attendance of a compulsory-school-age child at the proceedings of  
1006 a court or an administrative tribunal if the child is a party to  
1007 the action or under subpoena as a witness.

1008 (g) An absence may be excused if the religion to which  
1009 the compulsory-school-age child or the child's parents adheres,  
1010 requires or suggests the observance of a religious event. The  
1011 approval of the absence is within the discretion of the



1012 superintendent of the school district, or his designee, but  
1013 approval should be granted unless the religion's observance is of  
1014 such duration as to interfere with the education of the child.

1015 (h) An absence may be excused when it is demonstrated  
1016 to the satisfaction of the superintendent of the school district,  
1017 or his designee, that the purpose of the absence is to take  
1018 advantage of a valid educational opportunity such as travel,  
1019 including vacations or other family travel. Approval of the  
1020 absence must be gained from the superintendent of the school  
1021 district, or his designee, before the absence, but the approval  
1022 shall not be unreasonably withheld.

1023 (i) An absence may be excused when it is demonstrated  
1024 to the satisfaction of the superintendent of the school district,  
1025 or his designee, that conditions are sufficient to warrant the  
1026 compulsory-school-age child's nonattendance. However, no absences  
1027 shall be excused by the school district superintendent, or his  
1028 designee, when any student suspensions or expulsions circumvent  
1029 the intent and spirit of the compulsory attendance law.

1030 (j) An absence is excused when it results from the  
1031 attendance of a compulsory-school-age child participating in  
1032 official organized events sponsored by the 4-H or Future Farmers  
1033 of America (FFA). The excuse for the 4-H or FFA event must be  
1034 provided in writing to the appropriate school superintendent by  
1035 the Extension Agent or High School Agricultural Instructor/FFA  
1036 Advisor.



1037           (k) An absence is excused when it results from the  
1038 compulsory-school-age child officially being employed to serve as  
1039 a page at the State Capitol for the Mississippi House of  
1040 Representatives or Senate.

1041           (5) Any parent, guardian or custodian of a  
1042 compulsory-school-age child subject to this section who refuses or  
1043 willfully fails to perform any of the duties imposed upon him or  
1044 her under this section or who intentionally falsifies any  
1045 information required to be contained in a certificate of  
1046 enrollment, shall be guilty of contributing to the neglect of a  
1047 child and, upon conviction, shall be punished in accordance with  
1048 Section 97-5-39.

1049           Upon prosecution of a parent, guardian or custodian of a  
1050 compulsory-school-age child for violation of this section, the  
1051 presentation of evidence by the prosecutor that shows that the  
1052 child has not been enrolled in school within eighteen (18)  
1053 calendar days after the first day of the school year of the public  
1054 school which the child is eligible to attend, or that the child  
1055 has accumulated twelve (12) unlawful absences during the school  
1056 year at the public school in which the child has been enrolled,  
1057 shall establish a prima facie case that the child's parent,  
1058 guardian or custodian is responsible for the absences and has  
1059 refused or willfully failed to perform the duties imposed upon him  
1060 or her under this section. However, no proceedings under this  
1061 section shall be brought against a parent, guardian or custodian



1062 of a compulsory-school-age child unless the school attendance  
1063 officer has contacted promptly the home of the child and has  
1064 provided written notice to the parent, guardian or custodian of  
1065 the requirement for the child's enrollment or attendance.

1066 (6) If a compulsory-school-age child has not been enrolled  
1067 in a school within fifteen (15) calendar days after the first day  
1068 of the school year of the school which the child is eligible to  
1069 attend or the child has accumulated five (5) unlawful absences  
1070 during the school year of the public school in which the child is  
1071 enrolled, the school district superintendent, or his designee,  
1072 shall report, within two (2) school days or within five (5)  
1073 calendar days, whichever is less, the absences to the school  
1074 attendance officer. The State Department of Education shall  
1075 prescribe a uniform method for schools to utilize in reporting the  
1076 unlawful absences to the school attendance officer. The  
1077 superintendent, or his designee, also shall report any student  
1078 suspensions or student expulsions to the school attendance officer  
1079 when they occur.

1080 (7) When a school attendance officer has made all attempts  
1081 to secure enrollment and/or attendance of a compulsory-school-age  
1082 child and is unable to effect the enrollment and/or attendance,  
1083 the attendance officer shall file a petition with the youth court  
1084 under Section 43-21-451 or shall file a petition in a court of  
1085 competent jurisdiction as it pertains to parent or child.  
1086 Sheriffs, deputy sheriffs and municipal law enforcement officers



1087 shall be fully authorized to investigate all cases of  
1088 nonattendance and unlawful absences by compulsory-school-age  
1089 children, and shall be authorized to file a petition with the  
1090 youth court under Section 43-21-451 or file a petition or  
1091 information in the court of competent jurisdiction as it pertains  
1092 to parent or child for violation of this section. The youth court  
1093 shall expedite a hearing to make an appropriate adjudication and a  
1094 disposition to ensure compliance with the Compulsory School  
1095 Attendance Law, and may order the child to enroll or re-enroll in  
1096 school. The superintendent of the school district to which the  
1097 child is ordered may assign, in his discretion, the child to the  
1098 alternative school program of the school established pursuant to  
1099 Section 37-13-92.

1100 (8) The State Board of Education shall adopt rules and  
1101 regulations for the purpose of reprimanding any school  
1102 superintendents who fail to timely report unexcused absences under  
1103 the provisions of this section.

1104 (9) Notwithstanding any provision or implication herein to  
1105 the contrary, it is not the intention of this section to impair  
1106 the primary right and the obligation of the parent or parents, or  
1107 person or persons in loco parentis to a child, to choose the  
1108 proper education and training for such child, and nothing in this  
1109 section shall ever be construed to grant, by implication or  
1110 otherwise, to the State of Mississippi, any of its officers,  
1111 agencies or subdivisions any right or authority to control,



1112 manage, supervise or make any suggestion as to the control,  
1113 management or supervision of any private or parochial school or  
1114 institution for the education or training of children, of any kind  
1115 whatsoever that is not a public school according to the laws of  
1116 this state; and this section shall never be construed so as to  
1117 grant, by implication or otherwise, any right or authority to any  
1118 state agency or other entity to control, manage, supervise,  
1119 provide for or affect the operation, management, program,  
1120 curriculum, admissions policy or discipline of any such school or  
1121 home instruction program.

1122         **SECTION 12.** Section 37-13-107, Mississippi Code of 1972, is  
1123 brought forward as follows:

1124         37-13-107. (1) Every school attendance officer shall be  
1125 required annually to attend and complete a comprehensive course of  
1126 training and education which is provided or approved by the Office  
1127 of Compulsory School Attendance Enforcement of the State  
1128 Department of Education. Attendance shall be required beginning  
1129 with the first training seminar conducted after the school  
1130 attendance officer is employed as a school attendance officer.

1131         (2) The Office of Compulsory School Attendance Enforcement  
1132 shall provide or approve a course of training and education for  
1133 school attendance officers of the state. The course shall consist  
1134 of at least twelve (12) hours of training per year. The content  
1135 of the course of training and when and where it is to be conducted  
1136 shall be approved by the office. A certificate of completion



1137 shall be furnished by the State Department of Education to those  
1138 school attendance officers who complete the course. Each  
1139 certificate shall be made a permanent record of the school  
1140 attendance officer supervisor's office where the school attendance  
1141 officer is employed.

1142 (3) Upon the failure of any person employed as a school  
1143 attendance officer to receive the certificate of completion from  
1144 the State Department of Education within the first year of his  
1145 employment, the person shall not be allowed to carry out any of  
1146 the duties of a school attendance officer and shall not be  
1147 entitled to compensation for the period of time during which the  
1148 certificate has not been obtained.

1149 **SECTION 13.** Section 37-18-5, Mississippi Code of 1972, is  
1150 brought forward as follows:

1151 37-18-5. (1) Based on the findings of the evaluation report  
1152 and the results of the public meeting, the State Department of  
1153 Education and the evaluation team leader shall assist the school  
1154 principal and other local school officials in the development of a  
1155 school improvement plan to improve its deficiencies.

1156 (2) The school improvement plan shall be developed and  
1157 approved by the principal of the School At-Risk, the  
1158 superintendent of the local school district, the local school  
1159 board and a majority of the teachers of the school, within a time  
1160 period to be determined by the evaluation team. If the plan is



1161 not approved, the State Board of Education may approve and  
1162 implement the plan in the school.

1163 (3) The State Department of Education shall provide  
1164 technical assistance and shall assist in identifying funding to  
1165 the School At-Risk in the implementation of the school improvement  
1166 plan, including the implementation of any recommended professional  
1167 development plan, and the department may contract with the  
1168 institutions of higher learning to provide such technical  
1169 assistance. The assistance team shall collaborate with school and  
1170 school district employees in the implementation and monitoring of  
1171 the school improvement plan and the State Department of Education  
1172 shall ensure that a report is issued monthly to the local school  
1173 board and the local community-based advisory council.

1174 (4) A school district that has been designated as failing as  
1175 defined by the State Board of Education or a district with a  
1176 School At-Risk shall also establish a community-based  
1177 prekindergarten through higher education council comprised of a  
1178 broad spectrum of the community, including economic developers,  
1179 elected officials, civic leaders, business leaders, faith-based  
1180 leaders, social services, nonprofit organizations, school  
1181 attendance officers, law enforcement officials, health department  
1182 officials, day care providers, librarians, parents and others with  
1183 the knowledge and resources that can be leveraged to build strong  
1184 communities. The State Board of Education shall develop  
1185 procedures for appointments to the council, which shall not be





1186 appointed solely by the school board. The council will serve as a  
1187 community-led group that is inclusive, accountable and required to  
1188 publicly report progress to the community as a whole.

1189 **SECTION 14.** Section 43-21-321, Mississippi Code of 1972, is  
1190 brought forward as follows:

1191 43-21-321. (1) All juvenile detention centers shall develop  
1192 and implement policies and procedures that comply with the  
1193 regulations promulgated by the Juvenile Facilities Monitoring  
1194 Unit.

1195 (2) If a student's detention will cause the student to miss  
1196 one or more days of school during the academic school year or  
1197 special education services when required by state and federal law  
1198 or when designated on a student's Individualized Education Program  
1199 (IEP), the detention center staff shall notify school district  
1200 officials where the detainee last attended school by the first  
1201 school day following the student's placement in the facility.  
1202 Detention center staff shall not disclose youth court records to  
1203 the school district, except as provided by Section 43-21-261.

1204 (3) All juvenile detention centers shall adhere to the  
1205 following minimum standards:

1206 (a) Each center shall have a manual that states the  
1207 policies and procedures for operating and maintaining the  
1208 facility, and the manual shall be reviewed annually and revised as  
1209 needed;



1210 (b) Each center shall have a policy that specifies  
1211 support for a drug-free workplace for all employees, and the  
1212 policy shall, at a minimum, include the following:

1213 (i) The prohibition of the use of illegal drugs;

1214 (ii) The prohibition of the possession of any  
1215 illegal drugs except in the performance of official duties;

1216 (iii) The procedure used to ensure compliance with  
1217 a drug-free workplace policy;

1218 (iv) The opportunities available for the treatment  
1219 and counseling for drug abuse; and

1220 (v) The penalties for violation of the drug-free  
1221 workplace policy; and

1222 (c) Each center shall have a policy, procedure and  
1223 practice that ensures that personnel files and records are  
1224 current, accurate and confidential.

1225 (4) Local school districts shall work collaboratively with  
1226 juvenile detention center staff to provide special education  
1227 services as required by state and federal law. Upon the written  
1228 request of the youth court judge for the county in which the  
1229 detention center is located, a local school district in the county  
1230 in which the detention center is located, or a private provider  
1231 agreed upon by the youth court judge and sponsoring school  
1232 district, shall provide a certified teacher to provide educational  
1233 services to detainees. The youth court judge shall designate the  
1234 school district which shall be defined as the sponsoring school



1235 district. The local home school district shall be defined as the  
1236 school district where the detainee was last enrolled. Detainees  
1237 who have received a High School Equivalency diploma shall be  
1238 provided remedial instruction in math and language arts, or other  
1239 areas as determined by the sponsoring school district, which may  
1240 be computer-based instruction, as well as career counseling  
1241 opportunities. Teacher selection shall be in consultation with  
1242 the youth court judge. The Legislature shall annually appropriate  
1243 sufficient funds for the provision of educational services, as  
1244 provided under this section, to detainees in detention centers.

1245 (5) To ensure students in youth detention facilities  
1246 continue to receive appropriate educational services, local  
1247 education agencies (LEAs) must have policies and procedures to  
1248 ensure the relevant records of students who move to, and from,  
1249 youth detention facilities are sent to and received from the  
1250 sponsoring school district as soon as practicable to enable the  
1251 effective delivery of educational services.

1252 (6) The sponsoring school district, or a private provider  
1253 agreed upon by the youth court judge and sponsoring school  
1254 district, shall be responsible for providing the instructional  
1255 program and, when required by state and federal law, special  
1256 education services, for the detainee while in detention during the  
1257 sponsoring school district's academic calendar and a six-week  
1258 summer enrichment program, the dates which are determined by the  
1259 sponsoring school district. The enrichment program shall be



1260 facilitated by certified or classified district staff and shall be  
1261 focused academically on mathematics and English language arts  
1262 instruction, and may include other primary core subject areas,  
1263 including character education. The six-week enrichment program  
1264 shall not set aside any guidelines set forth by the Individuals  
1265 with Disabilities Education Act. The summer enrichment program  
1266 may be computer-based and have an abbreviated school day that  
1267 shall not be less than four (4) hours per day. After forty-eight  
1268 (48) hours of detention during the sponsoring school district's  
1269 academic calendar and six-week enrichment program, the detainee  
1270 shall receive the following services which may be computer-based:

1271 (a) Diagnostic assessment of grade-level mastery of  
1272 reading and math skills;

1273 (b) Individualized instruction and practice to address  
1274 any weaknesses identified in the assessment conducted under  
1275 paragraph (a) of this subsection if the detainee is in the center  
1276 for more than forty-eight (48) hours during the sponsoring school  
1277 district's academic calendar and six-week enrichment program; and

1278 (c) Character education to improve behavior.

1279 (7) No later than the tenth day of detention during the  
1280 sponsoring school district's academic calendar and six-week  
1281 enrichment program, the detainee shall begin an extended detention  
1282 education program. A team consisting of a certified teacher  
1283 provided by the local sponsoring school district or a private  
1284 provider agreed upon by the youth court judge and sponsoring



1285 school district, the appropriate official from the local home  
1286 school district, and the youth court counselor or representative  
1287 will develop an individualized academic program (IAP) for the  
1288 detainee, where appropriate as determined by the teacher of the  
1289 sponsoring school district, or a private provider agreed upon by  
1290 the youth court judge and sponsoring school district. The  
1291 detainee's parent or guardian shall participate on the team unless  
1292 excused by the youth court judge. Failure of any party to  
1293 participate shall not delay implementation of this education  
1294 program. Any student identified under IDEA will utilize the  
1295 student's current IEP in lieu of the IAP.

1296 (8) It shall be the responsibility of the student's local  
1297 home school district school to ensure that all related services  
1298 identified on a student's IEP are provided in accordance with the  
1299 student's IEP.

1300 (9) It shall be the responsibility of the student's local  
1301 home school district to collaborate with the sponsoring school  
1302 district to ensure that all students, including students with  
1303 disabilities, are appropriately included in general state and  
1304 district-wide assessments, including assessments required by the  
1305 Elementary and Secondary Education Act of 1965 (ESEA), as amended,  
1306 and state law.

1307 (10) Teachers in youth detention facilities serving  
1308 IDEA-eligible students must be licensed with endorsements required  
1309 by state and federal law, and related services personnel and



1310 paraprofessionals must meet state and federal qualifications for  
1311 those personnel.

1312 (11) The sponsoring school district, or a private provider  
1313 agreed upon by the youth court judge and sponsoring school  
1314 district, shall provide the detention center with an appropriate  
1315 and adequate computer lab to serve detainees. The Legislature  
1316 shall annually appropriate sufficient funds to equip and maintain  
1317 the computer labs. The computer lab shall become the property of  
1318 the detention centers and the sponsoring school districts shall  
1319 maintain and update the labs.

1320 (12) The Mississippi Department of Education will  
1321 collaborate with the appropriate state and local agencies,  
1322 juvenile detention centers and local school districts to ensure  
1323 the provision of educational services to every student placed in a  
1324 juvenile detention center. The Mississippi Department of  
1325 Education has the authority to develop and promulgate policies and  
1326 procedures regarding financial reimbursements to the sponsoring  
1327 school district from school districts that have students of record  
1328 or compulsory-school-age residing in said districts placed in a  
1329 youth detention center. Such services may include, but not be  
1330 limited to: assessment and math and reading instruction,  
1331 character education and behavioral counseling. The Mississippi  
1332 Department of Education shall work with the appropriate state and  
1333 local agencies, juvenile detention centers and local school  
1334 districts to annually determine the proposed costs for educational



1335 services to youth placed in juvenile detention centers and  
1336 annually request sufficient funding for such services as  
1337 necessary.

1338 (13) Juvenile detention centers shall ensure that staffs  
1339 create transition planning for youth leaving the facilities. This  
1340 process shall be led by the student's youth court counselor, and  
1341 shall include staff from the educational center. Plans shall  
1342 include providing the youth and his or her parents or guardian  
1343 with copies of the youth's detention center education and health  
1344 records, information regarding the youth's home community,  
1345 referrals to mental and counseling services when appropriate, and  
1346 providing assistance in making initial appointments with community  
1347 service providers; the transition team will work together to help  
1348 the detainee successfully transition back into the home school  
1349 district once released from detention. The transition team will  
1350 consist of a certified teacher provided by the local sponsoring  
1351 school district, or a private provider agreed upon by the youth  
1352 court judge and sponsoring school district, the appropriate  
1353 official from the local home school district, the school  
1354 attendance officer assigned to the local home school district, and  
1355 the youth court counselor or representative. The detainee's  
1356 parent or guardian shall participate on the team unless excused by  
1357 the youth court judge. Failure of any party to participate shall  
1358 not delay implementation of this education program.



1359 (14) Student's records, including grades and attendance,  
1360 shall be part of the student's transition and submitted to the  
1361 receiving school district for review. Grades received from the  
1362 Juvenile Detention Center (JDC) education program shall be  
1363 incorporated into each student's academic performance grade.

1364 (15) The Mississippi Department of Public Safety Juvenile  
1365 Detention Facilities Monitoring Unit shall monitor the detention  
1366 facilities for compliance with these minimum standards, and no  
1367 child shall be housed in a detention facility the monitoring unit  
1368 determines is substantially out of compliance with the standards  
1369 prescribed in this section. In accordance with Section  
1370 43-21-907(5), Mississippi Code of 1972, the Mississippi Department  
1371 of Education has the authority to promulgate rules and regulations  
1372 related to the education of all children housed in a juvenile  
1373 detention facility, to conduct inspections of the facility's  
1374 educational services at least annually or more often as deemed  
1375 necessary and shall provide the licensing agency with its  
1376 determination of the facility's compliance with the education  
1377 provisions. The licensing agency shall use the information in its  
1378 determination of the facility's eligibility for licensure. It is  
1379 the intention of the Legislature that the implementation of the  
1380 provisions of Section 43-21-321 shall not create accountability or  
1381 accreditation requirements or standards upon the sponsoring school  
1382 district or the home district that are greater, more restrictive  
1383 or more demanding than those requirements imposed upon local





1384 school districts in the provision of educational services to the  
1385 general population of students.

1386           **SECTION 15.** Section 43-21-801, Mississippi Code of 1972, is  
1387 brought forward as follows:

1388           43-21-801. (1) There is established the Youth Court Support  
1389 Program. The purpose of the program shall be to ensure that all  
1390 youth courts have sufficient support funds to carry on the  
1391 business of the youth court. The Administrative Office of Courts  
1392 shall establish a formula consistent with this section for  
1393 providing state support payable from the Youth Court Support Fund  
1394 for the support of the youth courts.

1395           (a) (i) Each regular youth court referee is eligible  
1396 for youth court support funds so long as the senior chancellor  
1397 does not elect to employ a youth court administrator as set forth  
1398 in paragraph (b); a municipal youth court judge is also eligible.  
1399 The Administrative Office of Courts shall direct any funds to the  
1400 appropriate county or municipality. The funds shall be utilized  
1401 to compensate an intake officer who shall be responsible for  
1402 ensuring that all intake and case information for the Division of  
1403 Youth Services, truancy matters and the Division of Family and  
1404 Children's Services is entered into the Mississippi Youth Court  
1405 Information Delivery System (MYCIDS) in an accurate and timely  
1406 manner. If the court already has an intake officer responsible  
1407 for entering all cases of the Division of Youth Services, truancy  
1408 matters and the Division of Family and Children's Services into



1409 MYCIDS, the regular youth court referee or municipal court judge  
1410 may certify to the Administrative Office of Courts that such a  
1411 person is already on staff. In such a case, each regular youth  
1412 court referee or municipal youth court judge shall have the sole  
1413 individual discretion to appropriate those funds as expense monies  
1414 to assist in hiring secretarial staff and acquiring materials and  
1415 equipment incidental to carrying on the business of the court  
1416 within the private practice of law of the referee or judge, or may  
1417 direct the use of those funds through the county or municipal  
1418 budget for court support supplies or services. The regular youth  
1419 court referee and municipal youth court judge shall be accountable  
1420 for assuring through private, county or municipal employees the  
1421 proper preparation and filing of all necessary tracking and other  
1422 documentation attendant to the administration of the youth court.

1423 (ii) Title to all tangible property, excepting  
1424 stamps, stationery and minor expendable office supplies, procured  
1425 with funds authorized by this section, shall be and forever remain  
1426 in the county or municipality to be used by the judge or referee  
1427 during the term of his office and thereafter by his successors.

1428 (b) (i) When permitted by the Administrative Office of  
1429 Courts and as funds are available, the senior chancellor for  
1430 Chancery Districts One, Two, Three, Four, Six, Seven, Nine, Ten,  
1431 Thirteen, Fourteen, Fifteen and Eighteen may appoint a youth court  
1432 administrator for the district whose responsibility will be to  
1433 perform all reporting, tracking and other duties of a court



1434 administrator for all youth courts in the district that are under  
1435 the chancery court system. Any chancery district listed in this  
1436 paragraph in which a chancellor appoints a referee or special  
1437 master to hear any youth court matter is ineligible for funding  
1438 under this paragraph (b). The Administrative Office of Courts may  
1439 allocate to an eligible chancery district a sum not to exceed  
1440 Thirty Thousand Dollars (\$30,000.00) per year for the salary,  
1441 fringe benefits and equipment of the youth court administrator,  
1442 and an additional sum not to exceed One Thousand Nine Hundred  
1443 Dollars (\$1,900.00) for the administrator's travel expenses.

1444 (ii) The appointment of a youth court  
1445 administrator shall be evidenced by the entry of an order on the  
1446 minutes of the court. The person appointed shall serve at the  
1447 will and pleasure of the senior chancellor but shall be an  
1448 employee of the Administrative Office of Courts.

1449 (iii) The Administrative Office of Courts must  
1450 approve the position, job description and salary before the  
1451 position can be filled. The Administrative Office of Courts shall  
1452 not approve any plan that does not first require the expenditure  
1453 of the funds from the Youth Court Support Fund before expenditure  
1454 of county funds is authorized for that purpose.

1455 (iv) Title to any tangible property procured with  
1456 funds authorized under this paragraph shall be and forever remain  
1457 in the State of Mississippi.



1458           (c)   (i)   Each county court is eligible for youth court  
1459 support funds. The funds shall be utilized to provide  
1460 compensation to an intake officer who shall be responsible for  
1461 ensuring that all intake and case information for the Division of  
1462 Youth Services, truancy matters and the Division of Family and  
1463 Children's Services is entered into the Mississippi Youth Court  
1464 Information Delivery System (MYCIDS) in an accurate and timely  
1465 manner. If the county court already has an intake officer or  
1466 other staff person responsible for entering all cases of the  
1467 Division of Youth Services, truancy matters and the Division of  
1468 Family and Children's Services into MYCIDS, the senior county  
1469 court judge may certify that such a person is already on staff.  
1470 In such a case, the senior county court judge shall have  
1471 discretion to direct the expenditure of those funds in hiring  
1472 other support staff to carry on the business of the court.

1473                   (ii) For the purposes of this paragraph, "support  
1474 staff" means court administrators, law clerks, legal research  
1475 assistants, secretaries, resource administrators or case managers  
1476 appointed by a youth court judge, or any combination thereof, but  
1477 shall not mean school attendance officers.

1478                   (iii) The appointment of support staff shall be  
1479 evidenced by the entry of an order on the minutes of the court.  
1480 The support staff so appointed shall serve at the will and  
1481 pleasure of the senior county court judge but shall be an employee  
1482 of the county.



1483 (iv) The Administrative Office of Courts must  
1484 approve the positions, job descriptions and salaries before the  
1485 positions may be filled. The Administrative Office of Courts  
1486 shall not approve any plan that does not first require the  
1487 expenditure of funds from the Youth Court Support Fund before  
1488 expenditure of county funds is authorized for that purpose.

1489 (v) The Administrative Office of Courts may  
1490 approve expenditure from the fund for additional equipment for  
1491 support staff appointed pursuant to this paragraph if the  
1492 additional expenditure falls within the formula. Title to any  
1493 tangible property procured with funds authorized under this  
1494 paragraph shall be and forever remain in the county to be used by  
1495 the youth court and support staff.

1496 (2) (a) (i) The formula developed by the Administrative  
1497 Office of Courts for providing youth court support funds shall be  
1498 devised so as to distribute appropriated funds proportional to  
1499 caseload and other appropriate factors as set forth in regulations  
1500 promulgated by the Administrative Office of Courts. The formula  
1501 will determine a reasonable maximum amount per judge or referee  
1502 per annum that will not be exceeded in allocating funds under this  
1503 section.

1504 (ii) The formula shall be reviewed by the  
1505 Administrative Office of Courts every two (2) years to ensure that  
1506 the youth court support funds provided herein are proportional to  
1507 each youth court's caseload and other specified factors.



1508 (iii) The Administrative Office of Courts shall  
1509 have wide latitude in the first two-year cycle to implement a  
1510 formula designed to maximize caseload data collection.

1511 (b) Application to receive funds under this section  
1512 shall be submitted in accordance with procedures established by  
1513 the Administrative Office of Courts.

1514 (c) Approval of the use of any of the youth court  
1515 support funds distributed under this section shall be made by the  
1516 Administrative Office of Courts in accordance with procedures  
1517 established by the Administrative Office of Courts.

1518 (3) (a) There is created in the State Treasury a special  
1519 fund to be designated as the "Youth Court Support Fund," which  
1520 shall consist of funds appropriated or otherwise made available by  
1521 the Legislature in any manner and funds from any other source  
1522 designated for deposit into such fund. Unexpended amounts  
1523 remaining in the fund at the end of a fiscal year shall not lapse  
1524 into the State General Fund, and any investment earnings or  
1525 interest earned on amounts in the fund shall be deposited to the  
1526 credit of the fund. Monies in the fund shall be distributed to  
1527 the youth courts by the Administrative Office of Courts for the  
1528 purposes described in this section.

1529 (b) (i) During the regular legislative session held in  
1530 calendar year 2007, the Legislature may appropriate an amount not  
1531 to exceed Two Million Five Hundred Thousand Dollars  
1532 (\$2,500,000.00) to the Youth Court Support Fund.



1533 (ii) During each regular legislative session  
1534 subsequent to the 2007 Regular Session, the Legislature shall  
1535 appropriate Two Million Five Hundred Thousand Dollars  
1536 (\$2,500,000.00) to the Youth Court Support Fund.

1537 (c) No youth court judge or youth court referee shall  
1538 be eligible to receive funding from the Youth Court Support Fund  
1539 who has not received annual continuing education in the field of  
1540 juvenile justice in an amount to conform with the requirements of  
1541 the Rules and Regulations for Mandatory Continuing Judicial  
1542 Education promulgated by the Supreme Court. The Administrative  
1543 Office of Courts shall maintain records of all referees and youth  
1544 court judges regarding such training and shall not disburse funds  
1545 to any county or municipality for the budget of a youth court  
1546 judge or referee who is not in compliance with the judicial  
1547 training requirements.

1548 (4) Any recipient of funds from the Youth Court Support Fund  
1549 shall not be eligible for continuing disbursement of funds if the  
1550 recipient is not in compliance with the terms, conditions and  
1551 reporting requirements set forth in the procedures promulgated by  
1552 the Administrative Office of Courts.

1553 **SECTION 16.** Section 43-21-355, Mississippi Code of 1972, is  
1554 brought forward as follows:

1555 43-21-355. Any attorney, physician, dentist, intern,  
1556 resident, nurse, psychologist, social worker, family protection  
1557 worker, family protection specialist, child caregiver, minister,



1558 law enforcement officer, school attendance officer, public school  
1559 district employee, nonpublic school employee, licensed  
1560 professional counselor or any other person participating in the  
1561 making of a required report pursuant to Section 43-21-353 or  
1562 participating in an investigation, evaluation or judicial  
1563 proceeding resulting from the report shall be presumed to be  
1564 acting in good faith. Any person or institution reporting or  
1565 participating in an investigation, evaluation or judicial  
1566 proceeding resulting from the report in good faith shall be immune  
1567 from any liability, civil or criminal, that might otherwise be  
1568 incurred or imposed.

1569         **SECTION 17.** Section 97-37-7, Mississippi Code of 1972, is  
1570 brought forward as follows:

1571         97-37-7. (1) (a) It shall not be a violation of Section  
1572 97-37-1 or any other statute for pistols, firearms or other  
1573 suitable and appropriate weapons to be carried by duly constituted  
1574 bank guards, company guards, watchmen, railroad special agents or  
1575 duly authorized representatives who are not sworn law enforcement  
1576 officers, agents or employees of a patrol service, guard service,  
1577 or a company engaged in the business of transporting money,  
1578 securities or other valuables, while actually engaged in the  
1579 performance of their duties as such, provided that such persons  
1580 have made a written application and paid a nonrefundable permit  
1581 fee of One Hundred Dollars (\$100.00) to the Department of Public  
1582 Safety.





1583           (b) No permit shall be issued to any person who has  
1584 ever been convicted of a felony under the laws of this or any  
1585 other state or of the United States. To determine an applicant's  
1586 eligibility for a permit, the person shall be fingerprinted. If  
1587 no disqualifying record is identified at the state level, the  
1588 fingerprints shall be forwarded by the Department of Public Safety  
1589 to the Federal Bureau of Investigation for a national criminal  
1590 history record check. The department shall charge a fee which  
1591 includes the amounts required by the Federal Bureau of  
1592 Investigation and the department for the national and state  
1593 criminal history record checks and any necessary costs incurred by  
1594 the department for the handling and administration of the criminal  
1595 history background checks. In the event a legible set of  
1596 fingerprints, as determined by the Department of Public Safety and  
1597 the Federal Bureau of Investigation, cannot be obtained after a  
1598 minimum of three (3) attempts, the Department of Public Safety  
1599 shall determine eligibility based upon a name check by the  
1600 Mississippi Highway Safety Patrol and a Federal Bureau of  
1601 Investigation name check conducted by the Mississippi Highway  
1602 Safety Patrol at the request of the Department of Public Safety.

1603           (c) A person may obtain a duplicate of a lost or  
1604 destroyed permit upon payment of a Fifteen Dollar (\$15.00)  
1605 replacement fee to the Department of Public Safety, if he  
1606 furnishes a notarized statement to the department that the permit  
1607 has been lost or destroyed.



1608           (d)   (i)  No less than ninety (90) days prior to the  
1609 expiration date of a permit, the Department of Public Safety shall  
1610 mail to the permit holder written notice of expiration together  
1611 with the renewal form prescribed by the department.  The permit  
1612 holder shall renew the permit on or before the expiration date by  
1613 filing with the department the renewal form, a notarized affidavit  
1614 stating that the permit holder remains qualified, and the renewal  
1615 fee of Fifty Dollars (\$50.00); honorably retired law enforcement  
1616 officers shall be exempt from payment of the renewal fee.  A  
1617 permit holder who fails to file a renewal application on or before  
1618 its expiration date shall pay a late fee of Fifteen Dollars  
1619 (\$15.00).

1620                       (ii)  Renewal of the permit shall be required every  
1621 four (4) years.  The permit of a qualified renewal applicant shall  
1622 be renewed upon receipt of the completed renewal application and  
1623 appropriate payment of fees.

1624                       (iii)  A permit cannot be renewed six (6) months or  
1625 more after its expiration date, and such permit shall be deemed to  
1626 be permanently expired; the holder may reapply for an original  
1627 permit as provided in this section.

1628           (2)  It shall not be a violation of this or any other statute  
1629 for pistols, firearms or other suitable and appropriate weapons to  
1630 be carried by Department of Wildlife, Fisheries and Parks law  
1631 enforcement officers, railroad special agents who are sworn law  
1632 enforcement officers, investigators employed by the Attorney



1633 General, criminal investigators employed by the district  
1634 attorneys, all prosecutors, public defenders, investigators or  
1635 probation officers employed by the Department of Corrections,  
1636 employees of the State Auditor who are authorized by the State  
1637 Auditor to perform investigative functions, or any deputy fire  
1638 marshal or investigator employed by the State Fire Marshal, while  
1639 engaged in the performance of their duties as such, or by fraud  
1640 investigators with the Department of Human Services, or by judges  
1641 of the Mississippi Supreme Court, Court of Appeals, circuit,  
1642 chancery, county, justice and municipal courts, or by coroners.  
1643 Before any person shall be authorized under this subsection to  
1644 carry a weapon, he shall complete a weapons training course  
1645 approved by the Board of Law Enforcement Officer Standards and  
1646 Training. Before any criminal investigator employed by a district  
1647 attorney shall be authorized under this section to carry a pistol,  
1648 firearm or other weapon, he shall have complied with Section  
1649 45-6-11 or any training program required for employment as an  
1650 agent of the Federal Bureau of Investigation. A law enforcement  
1651 officer, as defined in Section 45-6-3, shall be authorized to  
1652 carry weapons in courthouses in performance of his official  
1653 duties. A person licensed under Section 45-9-101 to carry a  
1654 concealed pistol, who (a) has voluntarily completed an  
1655 instructional course in the safe handling and use of firearms  
1656 offered by an instructor certified by a nationally recognized  
1657 organization that customarily offers firearms training, or by any



1658 other organization approved by the Department of Public Safety,  
1659 (b) is a member or veteran of any active or reserve component  
1660 branch of the United States of America Armed Forces having  
1661 completed law enforcement or combat training with pistols or other  
1662 handguns as recognized by such branch after submitting an  
1663 affidavit attesting to have read, understand and agree to comply  
1664 with all provisions of the enhanced carry law, or (c) is an  
1665 honorably retired law enforcement officer or honorably retired  
1666 member or veteran of any active or reserve component branch of the  
1667 United States of America Armed Forces having completed law  
1668 enforcement or combat training with pistols or other handguns,  
1669 after submitting an affidavit attesting to have read, understand  
1670 and agree to comply with all provisions of Mississippi enhanced  
1671 carry law shall also be authorized to carry weapons in courthouses  
1672 except in courtrooms during a judicial proceeding, and any  
1673 location listed in subsection (13) of Section 45-9-101, except any  
1674 place of nuisance as defined in Section 95-3-1, any police,  
1675 sheriff or highway patrol station or any detention facility,  
1676 prison or jail. For the purposes of this subsection (2),  
1677 component branch of the United States Armed Forces includes the  
1678 Army, Navy, Air Force, Coast Guard or Marine Corps, or the Army  
1679 National Guard, the Army National Guard of the United States, the  
1680 Air National Guard or the Air National Guard of the United States,  
1681 as those terms are defined in Section 101, Title 10, United States  
1682 Code, and any other reserve component of the United States Armed



1683 Forces enumerated in Section 10101, Title 10, United States Code.  
1684 The department shall promulgate rules and regulations allowing  
1685 concealed pistol permit holders to obtain an endorsement on their  
1686 permit indicating that they have completed the aforementioned  
1687 course and have the authority to carry in these locations. This  
1688 section shall in no way interfere with the right of a trial judge  
1689 to restrict the carrying of firearms in the courtroom.

1690 For purposes of this subsection (2), the following words  
1691 shall have the meanings described herein, unless the context  
1692 otherwise requires:

1693 (i) "Courthouse" means any building in which a  
1694 circuit court, chancery court, youth court, municipal court,  
1695 justice court or any appellate court is located, or any building  
1696 in which a court of law is regularly held.

1697 (ii) "Courtroom" means the actual room in which a  
1698 judicial proceeding occurs, including any jury room, witness room,  
1699 judge's chamber, office housing the judge's staff, or similar  
1700 room. "Courtroom" shall not mean hallways, courtroom entrances,  
1701 courthouse grounds, lobbies, corridors, or other areas within a  
1702 courthouse which are generally open to the public for the  
1703 transaction of business outside of an active judicial proceeding,  
1704 the grassed areas, cultivated flower beds, sidewalks, parking  
1705 lots, or other areas contained within the boundaries of the public  
1706 land upon which the courthouse is located.



1707 (3) It shall not be a violation of this or any other statute  
1708 for pistols, firearms or other suitable and appropriate weapons,  
1709 to be carried by any out-of-state, full-time commissioned law  
1710 enforcement officer who holds a valid commission card from the  
1711 appropriate out-of-state law enforcement agency and a photo  
1712 identification. The provisions of this subsection shall only  
1713 apply if the state where the out-of-state officer is employed has  
1714 entered into a reciprocity agreement with the state that allows  
1715 full-time commissioned law enforcement officers in Mississippi to  
1716 lawfully carry or possess a weapon in such other states. The  
1717 Commissioner of Public Safety is authorized to enter into  
1718 reciprocal agreements with other states to carry out the  
1719 provisions of this subsection.

1720 **SECTION 18.** This act shall take effect and be in force from  
1721 and after July 1, 2023.

