

By: Senator(s) Simmons (13th), Williams,
Simmons (12th), Thomas

To: Education;
Appropriations

SENATE BILL NO. 2777

1 AN ACT TO AMEND SECTION 37-13-89, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE A FORMULA FOR ALLOCATING FUNDS FOR THE EMPLOYMENT OF
3 SCHOOL ATTENDANCE OFFICERS; TO INCREASE THE MINIMUM BASE SALARY
4 FOR SCHOOL ATTENDANCE OFFICERS; AND FOR RELATED PURPOSES.

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

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

8 37-13-89. (1) In each school district within the state,
9 there shall be employed the number of school attendance officers
10 determined by the Office of Compulsory School Attendance
11 Enforcement to be necessary to adequately enforce the provisions
12 of the Mississippi Compulsory School Attendance Law * * * as
13 defined in subsection (6) of this section. From and after July 1,
14 1998, all school attendance officers employed pursuant to this
15 section shall be employees of the State Department of Education.
16 The State Department of Education shall employ all persons
17 employed as school attendance officers by district attorneys
18 before July 1, 1998, and shall assign them to school attendance
19 responsibilities in the school district in which they were



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

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



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



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

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

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

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

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

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



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

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

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

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

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



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

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

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

133 (6) The state shall provide funding for one (1) school
134 attendance officer employed by the Department of Education for
135 each two thousand (2,000), or major fraction thereof, of
136 compulsory-school-age children as defined in Section
137 37-13-91(2) (f), in enrollment in the public schools of the county
138 for the purpose of employing school attendance officers as defined
139 in Section 37-13-91(2) (g).

140 (* * *7) * * * The various pay ranges of the salary scale
141 shall be based upon factors including, but not limited to,



142 education, professional certification and licensure, and number of
143 years of experience. School attendance officers shall be paid in
144 accordance with this salary scale. The minimum salaries under the
145 scale shall be no less than the following:

146 * * *

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



167	<u>18</u>	<u>54,625.00</u>	<u>52,805.00</u>	<u>51,100.00</u>
168	<u>19</u>	<u>55,150.00</u>	<u>53,267.00</u>	<u>51,500.00</u>
169	<u>20</u>	<u>56,400.00</u>	<u>54,492.00</u>	<u>52,700.00</u>
170	<u>21</u>	<u>56,925.00</u>	<u>54,954.00</u>	<u>53,100.00</u>
171	<u>22</u>	<u>57,450.00</u>	<u>55,416.00</u>	<u>53,500.00</u>
172	<u>23</u>	<u>57,975.00</u>	<u>55,878.00</u>	<u>53,900.00</u>
173	<u>24</u>	<u>58,500.00</u>	<u>56,340.00</u>	<u>54,300.00</u>
174	<u>25</u>	<u>61,000.00</u>	<u>58,840.00</u>	<u>56,800.00</u>
175	<u>26</u>	<u>61,525.00</u>	<u>59,302.00</u>	<u>57,200.00</u>
176	<u>27</u>	<u>62,050.00</u>	<u>59,764.00</u>	<u>57,600.00</u>
177	<u>28</u>	<u>62,575.00</u>	<u>60,226.00</u>	<u>58,000.00</u>
178	<u>29</u>	<u>63,100.00</u>	<u>60,688.00</u>	<u>58,400.00</u>
179	<u>30</u>	<u>63,625.00</u>	<u>61,150.00</u>	<u>58,800.00</u>
180	<u>31</u>	<u>64,150.00</u>	<u>61,612.00</u>	<u>59,200.00</u>
181	<u>32</u>	<u>64,675.00</u>	<u>62,074.00</u>	<u>59,600.00</u>
182	<u>33</u>	<u>65,200.00</u>	<u>62,536.00</u>	<u>60,000.00</u>
183	<u>34</u>	<u>65,725.00</u>	<u>62,998.00</u>	<u>60,400.00</u>
184	<u>35</u>			
185	<u>& above</u>	<u>66,250.00</u>	<u>63,460.00</u>	<u>60,800.00</u>

186 (* * *8) (a) Each school attendance officer employed by a
187 district attorney on June 30, 1998, who became an employee of the
188 State Department of Education on July 1, 1998, shall be awarded
189 credit for personal leave and major medical leave for his
190 continuous service as a school attendance officer under the
191 district attorney, and if applicable, the youth or family court or



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



217 (b) For the purpose of determining the accrual rate for
218 personal leave under Section 25-3-93 and major medical leave under
219 Section 25-3-95, the State Department of Education shall give
220 consideration to all continuous service rendered by a school
221 attendance officer before July 1, 1998, in addition to the service
222 rendered by the school attendance officer as an employee of the
223 department.

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

240 (* * *9) (a) School attendance officers shall maintain
241 regular office hours on a year-round basis; however, during the



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

258 (b) The State Department of Education annually shall
259 designate a period of six (6) consecutive weeks in the summer
260 between school years during which school attendance officers shall
261 not be required to report to work. A school attendance officer
262 who elects to work at any time during that period may not be
263 awarded compensatory leave for such work and may not opt to be
264 absent from work at any time other than during the six (6) weeks
265 designated by the department unless the school attendance officer



266 uses personal leave or major medical leave accrued under Section
267 25-3-93 or 25-3-95 for such absence.

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

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

