

By: Senator(s) Williams

To: Education;
Appropriations

SENATE BILL NO. 2336

1 AN ACT TO AMEND SECTION 37-13-89, MISSISSIPPI CODE OF 1972,
2 TO INCREASE THE MINIMUM BASE SALARY FOR SCHOOL ATTENDANCE
3 OFFICERS; TO SET A SALARY SCALE FOR SCHOOL ATTENDANCE OFFICERS; TO
4 AMEND SECTION 37-3-9, MISSISSIPPI CODE OF 1972, TO PROVIDE A
5 LIMITATION ON THE SALARY OF THE STATE SUPERINTENDENT OF PUBLIC
6 EDUCATION; TO AMEND SECTION 37-4-3, MISSISSIPPI CODE OF 1972, TO
7 PROVIDE A LIMITATION ON THE SALARY OF THE EXECUTIVE DIRECTOR OF
8 THE COMMUNITY COLLEGE BOARD; AND FOR RELATED PURPOSES.

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

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

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



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

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



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



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

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

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

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

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

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



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

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

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

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

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



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

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

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

136 (6) * * * The various pay ranges of the salary scale shall
137 be based upon factors including, but not limited to, education,
138 professional certification and licensure, and number of years of
139 experience. School attendance officers shall be paid in
140 accordance with this salary scale. The minimum salaries under the
141 scale shall be no less than the following:

142 * * *

143	<u>Exp.</u>	<u>Master's</u>	<u>Bachelor's</u>
144		<u>Degree/Licensed</u>	<u>Degree/No</u>



		<u>Social Worker</u>	<u>Degree</u>
145			
146	<u>0</u>	<u>\$31,500.00</u>	<u>\$29,500.00</u>
147	<u>1</u>	<u>\$32,050.00</u>	<u>\$29,900.00</u>
148	<u>2</u>	<u>\$32,600.00</u>	<u>\$30,300.00</u>
149	<u>3</u>	<u>\$33,150.00</u>	<u>\$30,700.00</u>
150	<u>4</u>	<u>\$33,700.00</u>	<u>\$31,100.00</u>
151	<u>5</u>	<u>\$35,000.00</u>	<u>\$32,300.00</u>
152	<u>6</u>	<u>\$35,550.00</u>	<u>\$32,700.00</u>
153	<u>7</u>	<u>\$36,100.00</u>	<u>\$33,100.00</u>
154	<u>8</u>	<u>\$36,650.00</u>	<u>\$33,500.00</u>
155	<u>9</u>	<u>\$37,200.00</u>	<u>\$33,900.00</u>
156	<u>10</u>	<u>\$38,500.00</u>	<u>\$35,100.00</u>
157	<u>11</u>	<u>\$39,050.00</u>	<u>\$35,500.00</u>
158	<u>12</u>	<u>\$39,600.00</u>	<u>\$35,900.00</u>
159	<u>13</u>	<u>\$40,150.00</u>	<u>\$36,300.00</u>
160	<u>14</u>	<u>\$40,700.00</u>	<u>\$36,700.00</u>
161	<u>15</u>	<u>\$42,000.00</u>	<u>\$37,900.00</u>
162	<u>16</u>	<u>\$42,550.00</u>	<u>\$38,300.00</u>
163	<u>17</u>	<u>\$43,100.00</u>	<u>\$38,700.00</u>
164	<u>18</u>	<u>\$43,650.00</u>	<u>\$39,100.00</u>
165	<u>19</u>	<u>\$44,200.00</u>	<u>\$39,500.00</u>
166	<u>20</u>	<u>\$45,500.00</u>	<u>\$40,700.00</u>
167	<u>21</u>	<u>\$46,050.00</u>	<u>\$41,100.00</u>
168	<u>22</u>	<u>\$46,600.00</u>	<u>\$41,500.00</u>
169	<u>23</u>	<u>\$47,150.00</u>	<u>\$41,900.00</u>



170	<u>24</u>	<u>\$47,700.00</u>	<u>\$42,300.00</u>
171	<u>25</u>	<u>\$50,200.00</u>	<u>\$44,800.00</u>
172	<u>26</u>	<u>\$50,750.00</u>	<u>\$45,200.00</u>
173	<u>27</u>	<u>\$51,300.00</u>	<u>\$45,600.00</u>
174	<u>28</u>	<u>\$51,850.00</u>	<u>\$46,000.00</u>
175	<u>29</u>	<u>\$52,400.00</u>	<u>\$46,400.00</u>
176	<u>30</u>	<u>\$52,950.00</u>	<u>\$46,800.00</u>
177	<u>31</u>	<u>\$53,500.00</u>	<u>\$47,200.00</u>
178	<u>32</u>	<u>\$54,050.00</u>	<u>\$47,600.00</u>
179	<u>33</u>	<u>\$54,600.00</u>	<u>\$48,000.00</u>
180	<u>34</u>	<u>\$55,150.00</u>	<u>\$48,400.00</u>
181	<u>35</u>		
182	<u>& above</u>	<u>\$55,700.00</u>	<u>\$48,800.00</u>

183 (7) (a) Each school attendance officer employed by a
184 district attorney on June 30, 1998, who became an employee of the
185 State Department of Education on July 1, 1998, shall be awarded
186 credit for personal leave and major medical leave for his
187 continuous service as a school attendance officer under the
188 district attorney, and if applicable, the youth or family court or
189 a state agency. The credit for personal leave shall be in an
190 amount equal to one-third (1/3) of the maximum personal leave the
191 school attendance officer could have accumulated had he been
192 credited with such leave under Section 25-3-93 during his
193 employment with the district attorney, and if applicable, the
194 youth or family court or a state agency. The credit for major



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

214 (b) For the purpose of determining the accrual rate for
215 personal leave under Section 25-3-93 and major medical leave under
216 Section 25-3-95, the State Department of Education shall give
217 consideration to all continuous service rendered by a school
218 attendance officer before July 1, 1998, in addition to the service



219 rendered by the school attendance officer as an employee of the
220 department.

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

237 (8) (a) School attendance officers shall maintain regular
238 office hours on a year-round basis; however, during the school
239 term, on those days that teachers in all of the school districts
240 served by a school attendance officer are not required to report
241 to work, the school attendance officer also shall not be required
242 to report to work. (For purposes of this subsection, a school
243 district's school term is that period of time identified as the



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

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

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



269 **SECTION 2.** Section 37-3-9, Mississippi Code of 1972, is
270 amended as follows:

271 37-3-9. (1) There shall be a State Superintendent of Public
272 Education who shall be appointed by the State Board of Education,
273 with the advice and consent of the Senate, and serve at the
274 board's will and pleasure. He shall be the Chief Administrative
275 Officer for the State Department of Education and shall administer
276 the department in accordance with the policies established by the
277 State Board of Education. The State Superintendent of Education,
278 serving on July 1, 2011, shall continue to receive the salary that
279 he was receiving on January 1, 2011. From and after * * * July
280 1, * * * 2024, the salary of the State Superintendent of Education
281 shall be established by the State Board of Education and shall not
282 exceed Two Hundred Fifty Thousand Dollars (\$250,000.00) per year.
283 The State Superintendent of Public Education shall have at least a
284 master's degree in any field and a minimum of five (5) years'
285 experience in administration in the educational field.

286 (2) The State Superintendent shall give bond in the penalty
287 of Seventy-five Thousand Dollars (\$75,000.00), with sureties to be
288 approved by the Governor, conditioned according to law. The bond,
289 when approved, shall be filed and recorded in the Office of the
290 Secretary of State.

291 **SECTION 3.** Section 37-4-3, Mississippi Code of 1972, is
292 amended as follows:



293 37-4-3. (1) From and after July 1, 1986, there shall be a
294 Mississippi Community College Board which shall receive and
295 distribute funds appropriated by the Legislature for the use of
296 the public community and junior colleges and funds from federal
297 and other sources that are transmitted through the state
298 governmental organization for use by said colleges. This board
299 shall provide general coordination of the public community and
300 junior colleges, assemble reports and such other duties as may be
301 prescribed by law.

302 (2) The board shall consist of ten (10) members of which
303 none shall be an elected official. The Governor shall appoint two
304 (2) members from the First Mississippi Congressional District, one
305 (1) who shall serve an initial term of two (2) years and one (1)
306 who shall serve an initial term of five (5) years; two (2) members
307 from the Second Mississippi Congressional District, one (1) who
308 shall serve an initial term of five (5) years and one (1) who
309 shall serve an initial term of three (3) years; and two (2)
310 members from the Third Mississippi Congressional District, one (1)
311 who shall serve an initial term of four (4) years and one (1) who
312 shall serve an initial term of two (2) years; two (2) members from
313 the Fourth Mississippi Congressional District, one (1) who shall
314 serve an initial term of three (3) years and one (1) who shall
315 serve an initial term of four (4) years; and two (2) members from
316 the Fifth Mississippi Congressional District, one (1) who shall
317 serve an initial term of five (5) years and one (1) who shall



318 serve an initial term of two (2) years. All subsequent
319 appointments shall be for a term of six (6) years and continue
320 until their successors are appointed and qualify. An appointment
321 to fill a vacancy which arises for reasons other than by
322 expiration of a term of office shall be for the unexpired term
323 only. All members shall be appointed with the advice and consent
324 of the Senate.

325 (3) There shall be a chairman and vice chairman of the
326 board, elected by and from the membership of the board; and the
327 chairman shall be the presiding officer of the board. The board
328 shall adopt rules and regulations governing times and places for
329 meetings and governing the manner of conducting its business.

330 (4) The members of the board shall receive no annual salary,
331 but shall receive per diem compensation as authorized by Section
332 25-3-69, Mississippi Code of 1972, for each day devoted to the
333 discharge of official board duties and shall be entitled to
334 reimbursement for all actual and necessary expenses incurred in
335 the discharge of their duties, including mileage as authorized by
336 Section 25-3-41, Mississippi Code of 1972.

337 (5) The board shall name a director for the state system of
338 public junior and community colleges, who shall serve at the
339 pleasure of the board. Such director shall be the chief executive
340 officer of the board, give direction to the board staff, carry out
341 the policies set forth by the board, and work with the presidents
342 of the several community and junior colleges to assist them in



343 carrying out the mandates of the several boards of trustees and in
344 functioning within the state system and policies established by
345 the Mississippi Community College Board. The Mississippi
346 Community College Board shall set the salary of the director of
347 the board. From and after July 1, 2024, the salary of the
348 director shall not exceed Two Hundred Fifty Thousand Dollars
349 (\$250,000.00) per year. The Legislature shall provide adequate
350 funds for the Mississippi Community College Board, its activities
351 and its staff.

352 (6) The powers and duties of the Mississippi Community
353 College Board shall be:

354 (a) To authorize disbursements of state-appropriated
355 funds to community and junior colleges through orders in the
356 minutes of the board.

357 (b) To make studies of the needs of the state as they
358 relate to the mission of the community and junior colleges.

359 (c) To approve new, changes to and deletions of
360 vocational and technical programs to the various colleges.

361 (d) To require community and junior colleges to supply
362 such information as the board may request and compile, publish and
363 make available such reports based thereon as the board may deem
364 advisable.

365 (e) To approve proposed new attendance centers (campus
366 locations) as the local boards of trustees should determine to be
367 in the best interest of the district. Provided, however, that no



368 new community/junior college branch campus shall be approved
369 without an authorizing act of the Legislature.

370 (f) To serve as the state approving agency for federal
371 funds for proposed contracts to borrow money for the purpose of
372 acquiring land, erecting, repairing, etc., dormitories, dwellings
373 or apartments for students and/or faculty, such loans to be paid
374 from revenue produced by such facilities as requested by local
375 boards of trustees.

376 (g) To approve applications from community and junior
377 colleges for state funds for vocational-technical education
378 facilities.

379 (h) To approve any university branch campus offering
380 lower undergraduate level courses for credit.

381 (i) To appoint members to the Post-Secondary
382 Educational Assistance Board.

383 (j) To appoint members to the Authority for Educational
384 Television.

385 (k) To contract with other boards, commissions,
386 governmental entities, foundations, corporations or individuals
387 for programs, services, grants and awards when such are needed for
388 the operation and development of the state public community and
389 junior college system.

390 (l) To fix standards for community and junior colleges
391 to qualify for appropriations, and qualifications for community
392 and junior college teachers.



393 (m) To have sign-off approval on the State Plan for
394 Vocational Education which is developed in cooperation with
395 appropriate units of the State Department of Education.

396 (n) To approve or disapprove of any proposed inclusion
397 within municipal corporate limits of state-owned buildings and
398 grounds of any community college or junior college and to approve
399 or disapprove of land use development, zoning requirements,
400 building codes and delivery of governmental services applicable to
401 state-owned buildings and grounds of any community college or
402 junior college. Any agreement by a local board of trustees of a
403 community college or junior college to annexation of state-owned
404 property or other conditions described in this paragraph shall be
405 void unless approved by the board and by the board of supervisors
406 of the county in which the state-owned property is located.

407 **SECTION 4.** This act shall take effect and be in force from
408 and after July 1, 2024.

