

By: Representative Holloway (76th)

To: Education;  
Appropriations A

## HOUSE BILL NO. 820

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

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

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

12 37-13-89. (1) In each school district within the state,  
13 there shall be employed the number of school attendance officers  
14 determined by the Office of Compulsory School Attendance  
15 Enforcement to be necessary to adequately enforce the provisions  
16 of the Mississippi Compulsory School Attendance Law \* \* \*, as  
17 prescribed in accordance with subsection (6) of this section.  
18 From and after July 1, 1998, all school attendance officers  
19 employed pursuant to this section shall be employees of the State  
20 Department of Education. The State Department of Education shall  
21 employ all persons employed as school attendance officers by



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

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



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

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

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



(iv) Prior work history;

(v) Current employment status and character references; and

(vi) Any other evidence demonstrating the ability of the person to perform the responsibilities of a school attendance officer competently and that the person does not pose a threat to the health or safety of children.

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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



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

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

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

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



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

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

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

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

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





195 Over 21 years \* \* \* 56,925.00

196 ( \* \* \* 8) (a) Each school attendance officer employed by a

197 district attorney on June 30, 1998, who became an employee of the

198 State Department of Education on July 1, 1998, shall be awarded

199 credit for personal leave and major medical leave for his

200 continuous service as a school attendance officer under the

201 district attorney, and if applicable, the youth or family court or

202 a state agency. The credit for personal leave shall be in an

203 amount equal to one-third (1/3) of the maximum personal leave the

204 school attendance officer could have accumulated had he been

205 credited with such leave under Section 25-3-93 during his

206 employment with the district attorney, and if applicable, the

207 youth or family court or a state agency. The credit for major

208 medical leave shall be in an amount equal to one-half (1/2) of the

209 maximum major medical leave the school attendance officer could

210 have accumulated had he been credited with such leave under

211 Section 25-3-95 during his employment with the district attorney,

212 and if applicable, the youth or family court or a state agency.

213 However, if a district attorney who employed a school attendance

214 officer on June 30, 1998, certifies, in writing, to the State

215 Department of Education that the school attendance officer had

216 accumulated, pursuant to a personal leave policy or major medical

217 leave policy lawfully adopted by the district attorney, a number

218 of days of unused personal leave or major medical leave, or both,

219 which is greater than the number of days to which the school



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

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

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



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

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

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



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

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

282 **SECTION 2.** This act shall take effect and be in force from  
283 and after July 1, 2025.

