

By: Representative McCoy

To: Education;
Appropriations

HOUSE BILL NO. 437

1 AN ACT TO AMEND SECTION 37-13-89, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT SCHOOL ATTENDANCE OFFICERS MUST WORK ONLY ON THOSE
3 DAYS THAT TEACHERS IN THE SCHOOL DISTRICTS RESPECTIVELY SERVED BY
4 THE SCHOOL ATTENDANCE OFFICERS ARE REQUIRED TO REPORT FOR DUTY,
5 AND TO PROVIDE THAT SCHOOL ATTENDANCE OFFICERS SHALL ACCRUE AND
6 MAY USE LEAVE ACCORDING TO LEAVE POLICIES FOR TEACHERS ADOPTED BY
7 THOSE SCHOOL DISTRICTS; AND FOR RELATED PURPOSES.

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

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

11 37-13-89. (1) In each school district within the state,
12 there shall be employed the number of school attendance officers
13 determined by the Office of Compulsory School Attendance
14 Enforcement to be necessary to adequately enforce the provisions
15 of the Mississippi Compulsory School Attendance Law; however, this
16 number shall not exceed one hundred fifty-three (153) school
17 attendance officers at any time. From and after July 1, 1998, all
18 school attendance officers employed pursuant to this section shall
19 be employees of the State Department of Education. The State
20 Department of Education shall employ all persons employed as
21 school attendance officers by district attorneys before July 1,
22 1998, and shall assign them to school attendance responsibilities
23 in the school district in which they were employed before July 1,
24 1998. The first twelve (12) months of employment for each school
25 attendance officer shall be the probationary period of state
26 service.

27 (2) Each school attendance officer shall possess a college
28 degree with a major in a behavioral science or a related field or
29 shall have no less than three (3) years combined actual experience



30 as a school teacher, school administrator, law enforcement officer
31 possessing such degree, and/or social worker; however, these
32 requirements shall not apply to persons employed as school
33 attendance officers before January 1, 1987. School attendance
34 officers also shall satisfy any additional requirements that may
35 be established by the State Personnel Board for the position of
36 school attendance officer.

37 (3) It shall be the duty of each school attendance officer
38 to:

39 (a) Cooperate with any public agency to locate and
40 identify all compulsory-school-age children who are not attending
41 school;

42 (b) Cooperate with all courts of competent
43 jurisdiction;

44 (c) Investigate all cases of nonattendance and unlawful
45 absences by compulsory-school-age children not enrolled in a
46 nonpublic school;

47 (d) Provide appropriate counseling to encourage all
48 school-age children to attend school until they have completed
49 high school;

50 (e) Attempt to secure the provision of social or
51 welfare services that may be required to enable any child to
52 attend school;

53 (f) Contact the home or place of residence of a
54 compulsory-school-age child and any other place in which the
55 officer is likely to find any compulsory-school-age child when the
56 child is absent from school during school hours without a valid
57 written excuse from school officials, and when the child is found,
58 the officer shall notify the parents and school officials as to
59 where the child was physically located;

60 (g) Contact promptly the home of each
61 compulsory-school-age child in the school district within the
62 officer's jurisdiction who is not enrolled in school or is not in



63 attendance at public school and is without a valid written excuse
64 from school officials; if no valid reason is found for the
65 nonenrollment or absence from the school, the school attendance
66 officer shall give written notice to the parent, guardian or
67 custodian of the requirement for the child's enrollment or
68 attendance;

69 (h) Collect and maintain information concerning
70 absenteeism, dropouts and other attendance-related problems, as
71 may be required by law or the Office of Compulsory School
72 Attendance Enforcement; and

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

76 (4) While engaged in the performance of * * * duties, each
77 school attendance officer shall carry * * * a badge identifying
78 him as a school attendance officer under the Office of Compulsory
79 School Attendance Enforcement of the State Department of Education
80 and an identification card designed by the State Superintendent of
81 Public Education and issued by the school attendance officer
82 supervisor. Neither the badge nor the identification card shall
83 bear the name of any elected public official.

84 (5) The State Personnel Board shall develop a salary scale
85 for school attendance officers as part of the variable
86 compensation plan. The various pay ranges of the salary scale
87 shall be based upon factors including, but not limited to,
88 education, professional certification and licensure, and number of
89 years of experience. Beginning with the 1999-2000 fiscal year,
90 school attendance officers shall be paid in accordance with this
91 salary scale. In addition, school attendance officers shall
92 receive, in the 1999-2000 fiscal year, an increase in salary in
93 accordance with the state employee pay raise adopted by the 1999
94 Legislature. The minimum salaries under the scale shall be no
95 less than the following:



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

101	Years of Experience	Salary
102	0 - 4 years	\$19,650.00
103	5 - 8 years	21,550.00
104	9 - 12 years	23,070.00
105	13 - 16 years	24,590.00
106	Over 17 years	26,110.00

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

111	Years of Experience	Salary
112	0 - 4 years	\$20,650.00
113	5 - 8 years	22,950.00
114	9 - 12 years	24,790.00
115	13 - 16 years	26,630.00
116	17 - 20 years	28,470.00
117	Over 21 years	30,310.00

118 (c) For school attendance officers holding a master's
119 degree in a behavioral science or a related field, the annual
120 salary shall be based on years of experience as a school
121 attendance officer or related field of service or employment, no
122 less than as follows:

123	Years of Experience	Salary
124	0 - 4 years	\$21,450.00
125	5 - 8 years	24,000.00
126	9 - 12 years	26,040.00
127	13 - 16 years	28,080.00
128	17 - 20 years	30,120.00



129 Over 21 years 32,160.00

130 (6) (a) Each school attendance officer employed by a
131 district attorney on June 30, 1998, who became an employee of the
132 State Department of Education on July 1, 1998, shall be awarded
133 credit for personal leave and major medical leave for his
134 continuous service as a school attendance officer under the
135 district attorney, and if applicable, the youth or family court or
136 a state agency. The credit for personal leave shall be in an
137 amount equal to one-third (1/3) of the maximum personal leave the
138 school attendance officer could have accumulated had he been
139 credited with such leave under Section 25-3-93 during his
140 employment with the district attorney, and if applicable, the
141 youth or family court or a state agency. The credit for major
142 medical leave shall be in an amount equal to one-half (1/2) of the
143 maximum major medical leave the school attendance officer could
144 have accumulated had he been credited with such leave under
145 Section 25-3-95 during his employment with the district attorney,
146 and if applicable, the youth or family court or a state agency.
147 However, if a district attorney who employed a school attendance
148 officer on June 30, 1998, certifies, in writing, to the State
149 Department of Education that the school attendance officer had
150 accumulated, pursuant to a personal leave policy or major medical
151 leave policy lawfully adopted by the district attorney, a number
152 of days of unused personal leave or major medical leave, or both,
153 which is greater than the number of days to which the school
154 attendance officer is entitled under this paragraph, the State
155 Department of Education shall authorize the school attendance
156 officer to retain the actual unused personal leave or major
157 medical leave, or both, certified by the district attorney,
158 subject to the maximum amount of personal leave and major medical
159 leave the school attendance officer could have accumulated had he
160 been credited with such leave under Sections 25-3-93 and 25-3-95.

161 * * *



162 (b) In order for a school attendance officer to be
163 awarded credit for personal leave and major medical leave or to
164 retain the actual unused personal leave and major medical leave
165 accumulated by him before July 1, 1998, the district attorney who
166 employed the school attendance officer must certify, in writing,
167 to the State Department of Education the hire date of the school
168 attendance officer. For each school attendance officer employed
169 by the youth or family court or a state agency before being
170 designated an employee of the district attorney who has not had a
171 break in continuous service, the hire date shall be the date that
172 the school attendance officer was hired by the youth or family
173 court or state agency. The department shall prescribe the date by
174 which the certification must be received by the department and
175 shall provide written notice to all district attorneys of the
176 certification requirement and the date by which the certification
177 must be received.

178 (7) (a) School attendance officers shall maintain regular
179 office hours on all days during the school term on which teachers
180 in any of the school districts served by a school attendance
181 officer are * * * required to report to work * * *. (For purposes
182 of this subsection, a school district's school term is that period
183 of time identified as the school term in contracts entered into by
184 the district with licensed personnel.) A school attendance
185 officer shall be required to report to work on any day recognized
186 as an official state holiday if teachers in any school district
187 served by that school attendance officer are required to report to
188 work on that day, regardless of the school attendance officer's
189 status as an employee of the State Department of Education, and
190 compensatory leave may not be awarded to the school attendance
191 officer for working during that day. However, a school attendance
192 officer may be allowed by the school attendance officer's
193 supervisor to use earned leave on such days.



194 (b) Beginning on July 1, 2002, each school attendance
195 officer shall be credited with leave in accordance with the leave
196 policies of the school district served by that school attendance
197 officer which credits licensed employees with the greatest sick
198 leave and personal leave allowances, as prescribed in that school
199 district's leave policies adopted pursuant to subsections (2)
200 through (4) of Section 37-7-307. The school attendance officer
201 may retain all unused leave accumulated under Sections 25-3-93 and
202 25-3-95 and unused leave credited to the school attendance officer
203 pursuant to subsection (6) of this section. However, beginning on
204 July 1, 2002, the use of leave, whether accumulated before or
205 after July 1, 2002, by the school attendance officer must be in
206 accordance with that local school district's leave policies
207 adopted pursuant to subsections (2) through (4) of Section
208 37-7-307.

209 (8) The State Department of Education shall provide all
210 continuing education and training courses that school attendance
211 officers are required to complete under state law or rules and
212 regulations of the department.

213 **SECTION 2.** This act shall take effect and be in force from
214 and after July 1, 2002.

