

By: Representative Ford

To: Education;
Appropriations

HOUSE BILL NO. 492
(As Sent to Governor)

1 AN ACT TO REENACT SECTIONS 37-13-81 THROUGH 37-13-89,
2 MISSISSIPPI CODE OF 1972, WHICH ESTABLISH THE OFFICE OF COMPULSORY
3 SCHOOL ATTENDANCE ENFORCEMENT IN THE STATE DEPARTMENT OF
4 EDUCATION, PROVIDE FOR THE EMPLOYMENT OF SCHOOL ATTENDANCE
5 OFFICERS BY THE DEPARTMENT, AND PRESCRIBE THE POWERS AND DUTIES OF
6 SCHOOL ATTENDANCE OFFICERS; TO AMEND SECTION 9, CHAPTER 566, LAWS
7 OF 1998, TO DELETE THE REPEALER ON THOSE STATUTES THAT CREATE THE
8 OFFICE OF COMPULSORY SCHOOL ATTENDANCE ENFORCEMENT AND PRESCRIBE
9 THE POWERS AND DUTIES OF SCHOOL ATTENDANCE OFFICERS; TO CREATE NEW
10 SECTION 37-13-90, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE
11 REPEAL OF THOSE STATUTES THAT CREATE THE OFFICE OF COMPULSORY
12 SCHOOL ATTENDANCE ENFORCEMENT AND PRESCRIBE THE POWERS AND DUTIES
13 OF SCHOOL ATTENDANCE OFFICERS; TO CREATE A TASK FORCE TO CONDUCT A
14 BEST FINANCIAL MANAGEMENT PRACTICES REVIEW OF THE STATE DEPARTMENT
15 OF EDUCATION TO IMPROVE MISSISSIPPI SCHOOL DISTRICT MANAGEMENT AND
16 USE OF RESOURCES AND IDENTIFY COST SAVINGS; TO DIRECT CERTAIN
17 STATE AGENCIES AND LOCAL SCHOOL DISTRICTS TO COOPERATE AND ASSIST
18 WITH THIS REVIEW; TO PROVIDE FOR A REPORT TO THE 2004 REGULAR
19 SESSION OF THE LEGISLATURE; AND FOR RELATED PURPOSES.

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

21 **SECTION 1.** Section 37-13-81, Mississippi Code of 1972, is
22 reenacted as follows:

23 37-13-81. There is created the Office of Compulsory School
24 Attendance Enforcement within the State Department of Education.
25 The office shall be responsible for the administration of a
26 statewide system of enforcement of the Mississippi Compulsory
27 School Attendance Law (Section 37-13-91) and for the supervision
28 of school attendance officers throughout the state.

29 **SECTION 2.** Section 37-13-83, Mississippi Code of 1972, is
30 reenacted as follows:

31 37-13-83. The State Superintendent of Public Education shall
32 appoint a director for the Office of Compulsory School Attendance
33 Enforcement, who shall meet all qualifications established for
34 school attendance officer supervisors and any additional
35 qualifications that may be established by the State Superintendent



36 of Public Education or State Personnel Board. The director shall
37 be responsible for the proper administration of the Office of
38 Compulsory School Attendance Enforcement in conformity with the
39 Mississippi Compulsory School Attendance Law and any other
40 regulations or policies that may be adopted by the State Board of
41 Education.

42 **SECTION 3.** Section 37-13-85, Mississippi Code of 1972, is
43 reenacted as follows:

44 37-13-85. The Office of Compulsory School Attendance
45 Enforcement shall have the following powers and duties, in
46 addition to all others imposed or granted by law:

47 (a) To establish any policies or guidelines concerning
48 the employment of school attendance officers which serve to
49 effectuate a uniform system of enforcement under the Mississippi
50 Compulsory School Attendance Law throughout the state, and to
51 designate the number of school attendance officers which shall be
52 employed to serve in each school district area;

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

55 (c) To establish minimum standards for enrollment and
56 attendance for the state and each individual school district, and
57 to monitor the success of the state and districts in achieving the
58 required levels of performance;

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

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

66 (f) To develop and implement a system under which
67 school districts are required to maintain accurate records that
68 document enrollment and attendance in such a manner that the



69 records reflect all changes in enrollment and attendance, and to
70 require school attendance officers to submit information
71 concerning public school attendance on a monthly basis to the
72 office;

73 (g) To prepare the form of the certificate of
74 enrollment required under the Mississippi Compulsory School
75 Attendance Law and to furnish a sufficient number of the
76 certificates of enrollment to each school attendance officer in
77 the state;

78 (h) To publish a report each year on the work of school
79 attendance officers in each school district concerning enforcement
80 of the Mississippi Compulsory School Attendance Law. The report
81 shall include: figures reflecting school attendance violations
82 and reductions or increases in the school dropout rates;
83 information describing attendance-related problems and proposed
84 solutions for those problems; and any other information that the
85 State Department of Education may require. The report shall be
86 submitted to the State Board of Education and the Education
87 Committees of the Senate and House of Representatives before the
88 first day of July for the immediately preceding school year;

89 (i) To provide to the State Board of Education
90 statistical information concerning absenteeism, dropouts and other
91 attendance-related problems as requested by the State Board of
92 Education;

93 (j) To provide for the certification of school
94 attendance officers;

95 (k) To provide for a course of training and education
96 for school attendance officers, and to require successful
97 completion of the course as a prerequisite to certification by the
98 office as school attendance officers;

99 (l) To adopt any guidelines or policies the office
100 deems necessary to effectuate an orderly transition from the



101 supervision of school attendance officers by district attorneys to
102 the supervision by the school attendance officer supervisors;

103 (m) Beginning on July 1, 1998, to require school
104 attendance officer supervisors to employ persons employed by
105 district attorneys before July 1, 1998, as school attendance
106 officers without requiring such persons to submit an application
107 or interview for employment with the State Department of
108 Education;

109 (n) To adopt policies or guidelines linking the duties
110 of school attendance officers to the appropriate courts, law
111 enforcement agencies and community service providers; and

112 (o) To adopt any other policies or guidelines that the
113 office deems necessary for the enforcement of the Mississippi
114 Compulsory School Attendance Law; however, the policies or
115 guidelines shall not add to or contradict with the requirements of
116 Section 37-13-91.

117 **SECTION 4.** Section 37-13-87, Mississippi Code of 1972, is
118 reenacted as follows:

119 37-13-87. (1) The Director of the Office of Compulsory
120 School Attendance Enforcement shall employ three (3) school
121 attendance officer supervisors, each to maintain an office within
122 a different Supreme Court district. Each supervisor shall be
123 responsible for the enforcement of the Mississippi Compulsory
124 School Attendance Law within his district and shall exercise
125 direct supervision over the school attendance officers in the
126 district. The supervisors, who shall report to the director of
127 the office, shall assist the school attendance officers in the
128 performance of their duties as established by law or otherwise.

129 (2) No person having less than eight (8) years combined
130 actual experience as a school attendance officer, school teacher,
131 school administrator, law enforcement officer possessing a college
132 degree with a major in a behavioral science or a related field,
133 and/or social worker in the state shall be employed as a school



134 attendance officer supervisor. Further, a school attendance
135 officer supervisor shall possess a college degree with a major in
136 a behavioral science or a related field or shall have actual
137 experience as a school teacher, school administrator, law
138 enforcement officer possessing such degree or social worker;
139 however, these requirements shall not apply to persons employed as
140 school attendance officers before January 1, 1987. School
141 attendance officers shall meet any additional qualifications
142 established by the State Personnel Board for school attendance
143 officers or school attendance officer supervisors. The school
144 attendance officer supervisors shall receive an annual salary to
145 be set by the State Superintendent of Public Education, subject to
146 the approval of the State Personnel Board.

147 **SECTION 5.** Section 37-13-89, Mississippi Code of 1972, is
148 reenacted as follows:

149 37-13-89. (1) In each school district within the state,
150 there shall be employed the number of school attendance officers
151 determined by the Office of Compulsory School Attendance
152 Enforcement to be necessary to adequately enforce the provisions
153 of the Mississippi Compulsory School Attendance Law; however, this
154 number shall not exceed one hundred fifty-three (153) school
155 attendance officers at any time. From and after July 1, 1998, all
156 school attendance officers employed pursuant to this section shall
157 be employees of the State Department of Education. The State
158 Department of Education shall employ all persons employed as
159 school attendance officers by district attorneys before July 1,
160 1998, and shall assign them to school attendance responsibilities
161 in the school district in which they were employed before July 1,
162 1998. The first twelve (12) months of employment for each school
163 attendance officer shall be the probationary period of state
164 service.

165 (2) Each school attendance officer shall possess a college
166 degree with a major in a behavioral science or a related field or



167 shall have no less than three (3) years combined actual experience
168 as a school teacher, school administrator, law enforcement officer
169 possessing such degree, and/or social worker; however, these
170 requirements shall not apply to persons employed as school
171 attendance officers before January 1, 1987. School attendance
172 officers also shall satisfy any additional requirements that may
173 be established by the State Personnel Board for the position of
174 school attendance officer.

175 (3) It shall be the duty of each school attendance officer
176 to:

177 (a) Cooperate with any public agency to locate and
178 identify all compulsory-school-age children who are not attending
179 school;

180 (b) Cooperate with all courts of competent
181 jurisdiction;

182 (c) Investigate all cases of nonattendance and unlawful
183 absences by compulsory-school-age children not enrolled in a
184 nonpublic school;

185 (d) Provide appropriate counseling to encourage all
186 school-age children to attend school until they have completed
187 high school;

188 (e) Attempt to secure the provision of social or
189 welfare services that may be required to enable any child to
190 attend school;

191 (f) Contact the home or place of residence of a
192 compulsory-school-age child and any other place in which the
193 officer is likely to find any compulsory-school-age child when the
194 child is absent from school during school hours without a valid
195 written excuse from school officials, and when the child is found,
196 the officer shall notify the parents and school officials as to
197 where the child was physically located;

198 (g) Contact promptly the home of each
199 compulsory-school-age child in the school district within the



200 officer's jurisdiction who is not enrolled in school or is not in
201 attendance at public school and is without a valid written excuse
202 from school officials; if no valid reason is found for the
203 nonenrollment or absence from the school, the school attendance
204 officer shall give written notice to the parent, guardian or
205 custodian of the requirement for the child's enrollment or
206 attendance;

207 (h) Collect and maintain information concerning
208 absenteeism, dropouts and other attendance-related problems, as
209 may be required by law or the Office of Compulsory School
210 Attendance Enforcement; and

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

214 (4) While engaged in the performance of his duties, each
215 school attendance officer shall carry on his person a badge
216 identifying him as a school attendance officer under the Office of
217 Compulsory School Attendance Enforcement of the State Department
218 of Education and an identification card designed by the State
219 Superintendent of Public Education and issued by the school
220 attendance officer supervisor. Neither the badge nor the
221 identification card shall bear the name of any elected public
222 official.

223 (5) The State Personnel Board shall develop a salary scale
224 for school attendance officers as part of the variable
225 compensation plan. The various pay ranges of the salary scale
226 shall be based upon factors including, but not limited to,
227 education, professional certification and licensure, and number of
228 years of experience. Beginning with the 1999-2000 fiscal year,
229 school attendance officers shall be paid in accordance with this
230 salary scale. In addition, school attendance officers shall
231 receive, in the 1999-2000 fiscal year, an increase in salary in
232 accordance with the state employee pay raise adopted by the 1999



233 Legislature. The minimum salaries under the scale shall be no
234 less than the following:

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

240	Years of Experience	Salary
241	0 - 4 years	\$19,650.00
242	5 - 8 years	21,550.00
243	9 - 12 years	23,070.00
244	13 - 16 years	24,590.00
245	Over 17 years	26,110.00

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

250	Years of Experience	Salary
251	0 - 4 years	\$20,650.00
252	5 - 8 years	22,950.00
253	9 - 12 years	24,790.00
254	13 - 16 years	26,630.00
255	17 - 20 years	28,470.00
256	Over 21 years	30,310.00

257 (c) For school attendance officers holding a master's
258 degree in a behavioral science or a related field, the annual
259 salary shall be based on years of experience as a school
260 attendance officer or related field of service or employment, no
261 less than as follows:

262	Years of Experience	Salary
263	0 - 4 years	\$21,450.00
264	5 - 8 years	24,000.00
265	9 - 12 years	26,040.00



266	13 - 16 years	28,080.00
267	17 - 20 years	30,120.00
268	Over 21 years	32,160.00

269 (6) (a) Each school attendance officer employed by a
270 district attorney on June 30, 1998, who became an employee of the
271 State Department of Education on July 1, 1998, shall be awarded
272 credit for personal leave and major medical leave for his
273 continuous service as a school attendance officer under the
274 district attorney, and if applicable, the youth or family court or
275 a state agency. The credit for personal leave shall be in an
276 amount equal to one-third (1/3) of the maximum personal leave the
277 school attendance officer could have accumulated had he been
278 credited with such leave under Section 25-3-93 during his
279 employment with the district attorney, and if applicable, the
280 youth or family court or a state agency. The credit for major
281 medical leave shall be in an amount equal to one-half (1/2) of the
282 maximum major medical leave the school attendance officer could
283 have accumulated had he been credited with such leave under
284 Section 25-3-95 during his employment with the district attorney,
285 and if applicable, the youth or family court or a state agency.
286 However, if a district attorney who employed a school attendance
287 officer on June 30, 1998, certifies, in writing, to the State
288 Department of Education that the school attendance officer had
289 accumulated, pursuant to a personal leave policy or major medical
290 leave policy lawfully adopted by the district attorney, a number
291 of days of unused personal leave or major medical leave, or both,
292 which is greater than the number of days to which the school
293 attendance officer is entitled under this paragraph, the State
294 Department of Education shall authorize the school attendance
295 officer to retain the actual unused personal leave or major
296 medical leave, or both, certified by the district attorney,
297 subject to the maximum amount of personal leave and major medical



298 leave the school attendance officer could have accumulated had he
299 been credited with such leave under Sections 25-3-93 and 25-3-95.

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

307 (c) In order for a school attendance officer to be
308 awarded credit for personal leave and major medical leave or to
309 retain the actual unused personal leave and major medical leave
310 accumulated by him before July 1, 1998, the district attorney who
311 employed the school attendance officer must certify, in writing,
312 to the State Department of Education the hire date of the school
313 attendance officer. For each school attendance officer employed
314 by the youth or family court or a state agency before being
315 designated an employee of the district attorney who has not had a
316 break in continuous service, the hire date shall be the date that
317 the school attendance officer was hired by the youth or family
318 court or state agency. The department shall prescribe the date by
319 which the certification must be received by the department and
320 shall provide written notice to all district attorneys of the
321 certification requirement and the date by which the certification
322 must be received.

323 (7) (a) School attendance officers shall maintain regular
324 office hours on a year-round basis; however, during the school
325 term, on those days that teachers in all of the school districts
326 served by a school attendance officer are not required to report
327 to work, the school attendance officer also shall not be required
328 to report to work. (For purposes of this subsection, a school
329 district's school term is that period of time identified as the
330 school term in contracts entered into by the district with



331 licensed personnel.) A school attendance officer shall be
332 required to report to work on any day recognized as an official
333 state holiday if teachers in any school district served by that
334 school attendance officer are required to report to work on that
335 day, regardless of the school attendance officer's status as an
336 employee of the State Department of Education, and compensatory
337 leave may not be awarded to the school attendance officer for
338 working during that day. However, a school attendance officer may
339 be allowed by the school attendance officer's supervisor to use
340 earned leave on such days.

341 (b) The State Department of Education annually shall
342 designate a period of two (2) consecutive weeks in the summer
343 between school years during which school attendance officers shall
344 not be required to report to work. A school attendance officer
345 who elects to work at any time during that period may not be
346 awarded compensatory leave for such work and may not opt to be
347 absent from work at any time other than during the two (2) weeks
348 designated by the department unless the school attendance officer
349 uses personal leave or major medical leave accrued under Section
350 25-3-93 or 25-3-95 for such absence.

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

355 **SECTION 6.** Section 9 of Chapter 566, Laws of 1998, is
356 amended as follows:

357 Section 9. This act shall take effect and be in force from
358 and after July 1, 1998 * * *.

359 **SECTION 7.** The following shall be codified as Section
360 37-13-90, Mississippi Code of 1972:

361 37-13-90. Sections 37-13-81 through 37-13-90 shall stand
362 repealed on July 1, 2004.



363 SECTION 8. (1) There is created a Task Force to Conduct a
364 Best Financial Management Practices Review of the State Department
365 of Education to improve Mississippi school district management and
366 use of resources and identify cost savings. The membership of the
367 task force shall include the following nine (9) members: (a) the
368 State Superintendent of Public Education, who shall serve as
369 chairman of the task force; (b) the Chairman of the Senate
370 Education Committee, the Chairman of the Senate Appropriations
371 Committee and one (1) member of the Senate appointed by the
372 Lieutenant Governor; (c) the Chairman of the House of
373 Representatives Education Committee, the Chairman of the House
374 Appropriations Committee and one (1) member of the House appointed
375 by the Speaker of the House; (d) one (1) local school
376 superintendent appointed by the Lieutenant Governor; and (e) one
377 (1) representative of the business community appointed by the
378 Speaker of the House of Representatives. The Task Force to
379 Conduct a Best Financial Management Practices Review of the State
380 Department of Education shall study and submit to the Governor and
381 the Legislature for review and adoption proposed revisions to the
382 best financial management practices of the public school system
383 which, at a minimum, shall instill public confidence by:
384 addressing the State Department of Education's and the local
385 school districts' use of resources; identifying ways that the
386 department and the local districts could save funds; and improving
387 the department's and the local school districts' performance
388 accountability systems. To achieve these objectives, best
389 practices shall be developed for, but need not be limited to, the
390 following areas:
391 (a) The compulsory school attendance officer program;
392 (b) Management structures, including the size of the
393 department;
394 (c) Performance accountability;



395 (d) Efficient delivery of educational services,
396 including instructional materials;
397 (e) Teacher recruitment, the Mississippi Teacher
398 Center, the Critical Teacher Shortage Act, and employment of
399 recruited teachers by local school districts;
400 (f) Administrative and instructional technology;
401 (g) Personnel systems and benefits management;
402 (h) Facilities construction and maintenance;
403 (i) Vocational-technical programs;
404 (j) Teacher licensure;
405 (k) The Mississippi Adequate Education funding formula;
406 (l) The number and size of school districts and
407 schools;
408 (m) Cost control systems and financial auditing of the
409 department and school districts.

410 In areas for which the department or local school districts
411 have not adopted the best practices, the task force may develop
412 revised practices, with input from a broad range of stakeholders.

413 (2) The task force shall make a report of its findings and
414 recommendations, including necessary legislation, to the
415 Legislature, the Lieutenant Governor and the Governor for
416 implementation in the 2004 Regular Session.

417 (3) The task force shall meet on the call of the chairman
418 and shall organize by selecting from its membership a vice
419 chairman, who also shall serve as secretary and shall be
420 responsible for keeping all records of the task force. A majority
421 of the members of the task force shall constitute a quorum. All
422 members shall be notified in writing of all meetings, with such
423 notices to be mailed at least five (5) days before the date on
424 which a meeting is to be held.

425 (4) Legislative members of the task force shall be paid from
426 the contingent expense funds of their respective houses in the
427 same amounts as provided for committee meetings when the



428 Legislature is not in session. Nonlegislative members of the task
429 force who are not state employees or local school district
430 employees shall be reimbursed for actual necessary expenses in
431 attending called meetings of the task force, to be paid from any
432 funds made available for such purpose by the Legislature.

433 (5) All agencies and divisions of agencies affected by this
434 study and review are directed to cooperate with the Task Force to
435 Conduct a Best Financial Management Practices Review of the State
436 Department of Education, specifically the State Department of
437 Education, the Board of Trustees of State Institutions of Higher
438 Learning, and the State Board for Community and Junior Colleges,
439 in formulating and preparing the task force's recommendations.

440 (6) The task force may select a consultant or consultants to
441 conduct the study mandated under this section, subject to specific
442 appropriation therefor by the Legislature, and following the
443 applicable regulations of the Personal Service Contract Review
444 Board.

445 (7) The task force may utilize staff already employed by the
446 agencies and school districts affected by this study and any other
447 assistance made available to it.

448 (8) Upon presentation of its final report, the task force
449 shall be dissolved.

450 **SECTION 9.** This act shall take effect and be in force from
451 and after July 1, 2002.

