

By: Senator(s) Harden

To: Education;
Appropriations

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2284

1 AN ACT TO REENACT AND AMEND SECTIONS 37-13-81 THROUGH
2 37-13-89, MISSISSIPPI CODE OF 1972, WHICH CREATE AND EMPOWER THE
3 OFFICE OF COMPULSORY SCHOOL ATTENDANCE ENFORCEMENT IN THE STATE
4 DEPARTMENT OF EDUCATION, AND TO AMEND SECTION 9 OF CHAPTER 566,
5 LAWS OF 1998, TO EXTEND THE REPEALER ON THOSE STATUTES WHICH
6 CREATE AND EMPOWER THE OFFICE OF COMPULSORY SCHOOL ATTENDANCE
7 ENFORCEMENT IN THE STATE DEPARTMENT OF EDUCATION; AND FOR RELATED
8 PURPOSES.

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

10 **SECTION 1.** Section 37-13-81, Mississippi Code of 1972, is
11 reenacted and amended as follows:

12 37-13-81. There is created the Office of Compulsory School
13 Attendance Enforcement within the State Department of Education.
14 The office shall be responsible for the administration of a
15 statewide system of enforcement of the Mississippi Compulsory
16 School Attendance Law (Section 37-13-91) and for the supervision
17 of school attendance officers throughout the state.

18 This section shall stand repealed from and after July 1,
19 2004.

20 **SECTION 2.** Section 37-13-83, Mississippi Code of 1972, is
21 reenacted and amended as follows:

22 37-13-83. The State Superintendent of Public Education shall
23 appoint a director for the Office of Compulsory School Attendance
24 Enforcement, who shall meet all qualifications established for
25 school attendance officer supervisors and any additional
26 qualifications that may be established by the State Superintendent
27 of Public Education or State Personnel Board. The director shall
28 be responsible for the proper administration of the Office of
29 Compulsory School Attendance Enforcement in conformity with the
30 Mississippi Compulsory School Attendance Law and any other



31 regulations or policies that may be adopted by the State Board of
32 Education.

33 This section shall stand repealed from and after July 1,
34 2004.

35 **SECTION 3.** Section 37-13-85, Mississippi Code of 1972, is
36 reenacted and amended as follows:

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

40 (a) To establish any policies or guidelines concerning
41 the employment of school attendance officers which serve to
42 effectuate a uniform system of enforcement under the Mississippi
43 Compulsory School Attendance Law throughout the state, and to
44 designate the number of school attendance officers which shall be
45 employed to serve in each school district area;

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

48 (c) To establish minimum standards for enrollment and
49 attendance for the state and each individual school district, and
50 to monitor the success of the state and districts in achieving the
51 required levels of performance;

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

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

59 (f) To develop and implement a system under which
60 school districts are required to maintain accurate records that
61 document enrollment and attendance in such a manner that the
62 records reflect all changes in enrollment and attendance, and to
63 require school attendance officers to submit information



64 concerning public school attendance on a monthly basis to the
65 office;

66 (g) To prepare the form of the certificate of
67 enrollment required under the Mississippi Compulsory School
68 Attendance Law and to furnish a sufficient number of the
69 certificates of enrollment to each school attendance officer in
70 the state;

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

82 (i) To provide to the State Board of Education
83 statistical information concerning absenteeism, dropouts and other
84 attendance-related problems as requested by the State Board of
85 Education;

86 (j) To provide for the certification of school
87 attendance officers;

88 (k) To provide for a course of training and education
89 for school attendance officers, and to require successful
90 completion of the course as a prerequisite to certification by the
91 office as school attendance officers;

92 (l) To adopt any guidelines or policies the office
93 deems necessary to effectuate an orderly transition from the
94 supervision of school attendance officers by district attorneys to
95 the supervision by the school attendance officer supervisors;



96 (m) Beginning on July 1, 1998, to require school
97 attendance officer supervisors to employ persons employed by
98 district attorneys before July 1, 1998, as school attendance
99 officers without requiring such persons to submit an application
100 or interview for employment with the State Department of
101 Education;

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

105 (o) To adopt any other policies or guidelines that the
106 office deems necessary for the enforcement of the Mississippi
107 Compulsory School Attendance Law; however, the policies or
108 guidelines shall not add to or contradict with the requirements of
109 Section 37-13-91.

110 This section shall stand repealed from and after July 1,
111 2004.

112 **SECTION 4.** Section 37-13-87, Mississippi Code of 1972, is
113 reenacted and amended as follows:

114 37-13-87. (1) The Director of the Office of Compulsory
115 School Attendance Enforcement shall employ three (3) school
116 attendance officer supervisors, each to maintain an office within
117 a different Supreme Court district. Each supervisor shall be
118 responsible for the enforcement of the Mississippi Compulsory
119 School Attendance Law within his district and shall exercise
120 direct supervision over the school attendance officers in the
121 district. The supervisors, who shall report to the director of
122 the office, shall assist the school attendance officers in the
123 performance of their duties as established by law or otherwise.

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



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

142 This section shall stand repealed from and after July 1,
143 2004.

144 **SECTION 5.** Section 37-13-89, Mississippi Code of 1972, is
145 reenacted and amended as follows:

146 37-13-89. (1) In each school district within the state,
147 there shall be employed the number of school attendance officers
148 determined by the Office of Compulsory School Attendance
149 Enforcement to be necessary to adequately enforce the provisions
150 of the Mississippi Compulsory School Attendance Law; however, this
151 number shall not exceed one hundred fifty-three (153) school
152 attendance officers at any time. From and after July 1, 1998, all
153 school attendance officers employed pursuant to this section shall
154 be employees of the State Department of Education. The State
155 Department of Education shall employ all persons employed as
156 school attendance officers by district attorneys before July 1,
157 1998, and shall assign them to school attendance responsibilities
158 in the school district in which they were employed before July 1,
159 1998. The first twelve (12) months of employment for each school
160 attendance officer shall be the probationary period of state
161 service.



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

172 (3) It shall be the duty of each school attendance officer
173 to:

174 (a) Cooperate with any public agency to locate and
175 identify all compulsory-school-age children who are not attending
176 school;

177 (b) Cooperate with all courts of competent
178 jurisdiction;

179 (c) Investigate all cases of nonattendance and unlawful
180 absences by compulsory-school-age children not enrolled in a
181 nonpublic school;

182 (d) Provide appropriate counseling to encourage all
183 school-age children to attend school until they have completed
184 high school;

185 (e) Attempt to secure the provision of social or
186 welfare services that may be required to enable any child to
187 attend school;

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



195 (g) Contact promptly the home of each
196 compulsory-school-age child in the school district within the
197 officer's jurisdiction who is not enrolled in school or is not in
198 attendance at public school and is without a valid written excuse
199 from school officials; if no valid reason is found for the
200 nonenrollment or absence from the school, the school attendance
201 officer shall give written notice to the parent, guardian or
202 custodian of the requirement for the child's enrollment or
203 attendance;

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

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

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

220 (5) The State Personnel Board shall develop a salary scale
221 for school attendance officers as part of the variable
222 compensation plan. The various pay ranges of the salary scale
223 shall be based upon factors including, but not limited to,
224 education, professional certification and licensure, and number of
225 years of experience. Beginning with the 1999-2000 fiscal year,
226 school attendance officers shall be paid in accordance with this
227 salary scale. In addition, school attendance officers shall



228 receive, in the 1999-2000 fiscal year, an increase in salary in
229 accordance with the state employee pay raise adopted by the 1999
230 Legislature. The minimum salaries under the scale shall be no
231 less than the following:

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

237	Years of Experience	Salary
238	0 - 4 years	\$19,650.00
239	5 - 8 years	21,550.00
240	9 - 12 years	23,070.00
241	13 - 16 years	24,590.00
242	Over 17 years	26,110.00

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

247	Years of Experience	Salary
248	0 - 4 years	\$20,650.00
249	5 - 8 years	22,950.00
250	9 - 12 years	24,790.00
251	13 - 16 years	26,630.00
252	17 - 20 years	28,470.00
253	Over 21 years	30,310.00

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

259	Years of Experience	Salary
260	0 - 4 years	\$21,450.00



261	5 - 8 years	24,000.00
262	9 - 12 years	26,040.00
263	13 - 16 years	28,080.00
264	17 - 20 years	30,120.00
265	Over 21 years	32,160.00

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



294 subject to the maximum amount of personal leave and major medical
295 leave the school attendance officer could have accumulated had he
296 been credited with such leave under Sections 25-3-93 and 25-3-95.

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

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

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



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

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

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

352 This section shall stand repealed from and after July 1,
353 2004.

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

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

358 **SECTION 7.** This act shall take effect and be in force from
359 and after June 30, 2002.

