

By: Representatives Carlton, Pierce,
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To: Education

HOUSE BILL NO. 754

1 AN ACT TO AMEND SECTION 37-13-89, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO ESTABLISH
3 GUIDELINES FOR SCHOOL ATTENDANCE OFFICERS TO PERFORM SUMMER VISITS
4 TO CHRONIC TRUANT FAMILIES; AND FOR RELATED PURPOSES.

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

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

8 37-13-89. (1) In each school district within the state,
9 there shall be employed the number of school attendance officers
10 determined by the Office of Compulsory School Attendance
11 Enforcement to be necessary to adequately enforce the provisions
12 of the Mississippi Compulsory School Attendance Law; however, this
13 number shall not exceed one hundred fifty-three (153) school
14 attendance officers at any time. From and after July 1, 1998, all
15 school attendance officers employed pursuant to this section shall
16 be employees of the State Department of Education. The State
17 Department of Education shall employ all persons employed as
18 school attendance officers by district attorneys before July 1,
19 1998, and shall assign them to school attendance responsibilities
20 in the school district in which they were employed before July 1,
21 1998. The first twelve (12) months of employment for each school
22 attendance officer shall be the probationary period of state
23 service.

24 (2) (a) The State Department of Education shall obtain
25 current criminal records background checks and current child abuse
26 registry checks on all persons applying for the position of school
27 attendance officer after July 2, 2002. The criminal records
28 information and registry checks must be kept on file for any new

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

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

62 grant waivers for mitigating circumstances, which may include, but
63 are not necessarily limited to: (i) age at which the crime was
64 committed; (ii) circumstances surrounding the crime; (iii) length
65 of time since the conviction and criminal history since the
66 conviction; (iv) work history; (v) current employment and
67 character references; and (vi) other evidence demonstrating the
68 ability of the person to perform the responsibilities of a school
69 attendance officer competently and that the person does not pose a
70 threat to the health or safety of children.

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

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

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

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

91 (b) Cooperate with all courts of competent
92 jurisdiction;

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

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

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

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

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

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

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

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

134 (6) The State Personnel Board shall develop a salary scale
135 for school attendance officers as part of the variable
136 compensation plan. The various pay ranges of the salary scale
137 shall be based upon factors including, but not limited to,
138 education, professional certification and licensure, and number of
139 years of 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 (a) For school attendance officers holding a bachelor's
143 degree or any other attendance officer who does not hold such a
144 degree, the annual salary shall be based on years of experience as
145 a school attendance officer or related field of service or
146 employment, no less than as follows:

147	Years of Experience	Salary
148	0 - 4 years	\$19,650.00
149	5 - 8 years	21,550.00
150	9 - 12 years	23,070.00
151	13 - 16 years	24,590.00
152	Over 17 years	26,110.00

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

157	Years of Experience	Salary
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158	0 - 4 years	\$20,650.00
159	5 - 8 years	22,950.00
160	9 - 12 years	24,790.00
161	13 - 16 years	26,630.00
162	17 - 20 years	28,470.00
163	Over 21 years	30,310.00

164 (c) For school attendance officers holding a master's
165 degree in a behavioral science or a related field, the annual
166 salary shall be based on years of experience as a school
167 attendance officer or related field of service or employment, no
168 less than as follows:

169	Years of Experience	Salary
170	0 - 4 years	\$21,450.00
171	5 - 8 years	24,000.00
172	9 - 12 years	26,040.00
173	13 - 16 years	28,080.00
174	17 - 20 years	30,120.00
175	Over 21 years	32,160.00

176 (7) (a) Each school attendance officer employed by a
177 district attorney on June 30, 1998, who became an employee of the
178 State Department of Education on July 1, 1998, shall be awarded
179 credit for personal leave and major medical leave for his
180 continuous service as a school attendance officer under the
181 district attorney, and if applicable, the youth or family court or
182 a state agency. The credit for personal leave shall be in an
183 amount equal to one-third (1/3) of the maximum personal leave the
184 school attendance officer could have accumulated had he been
185 credited with such leave under Section 25-3-93 during his
186 employment with the district attorney, and if applicable, the
187 youth or family court or a state agency. The credit for major
188 medical leave shall be in an amount equal to one-half (1/2) of the
189 maximum major medical leave the school attendance officer could
190 have accumulated had he been credited with such leave under

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

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

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

224 the school attendance officer was hired by the youth or family
225 court or state agency. The department shall prescribe the date by
226 which the certification must be received by the department and
227 shall provide written notice to all district attorneys of the
228 certification requirement and the date by which the certification
229 must be received.

230 (8) (a) School attendance officers shall maintain regular
231 office hours on a year-round basis; however, during the school
232 term, on those days that teachers in all of the school districts
233 served by a school attendance officer are not required to report
234 to work, the school attendance officer also shall not be required
235 to report to work. (For purposes of this subsection, a school
236 district's school term is that period of time identified as the
237 school term in contracts entered into by the district with
238 licensed personnel.) A school attendance officer shall be
239 required to report to work on any day recognized as an official
240 state holiday if teachers in any school district served by that
241 school attendance officer are required to report to work on that
242 day, regardless of the school attendance officer's status as an
243 employee of the State Department of Education, and compensatory
244 leave may not be awarded to the school attendance officer for
245 working during that day. However, a school attendance officer may
246 be allowed by the school attendance officer's supervisor to use
247 earned leave on such days.

248 (b) The State Department of Education annually shall
249 designate a period of two (2) consecutive weeks in the summer
250 between school years during which school attendance officers shall
251 not be required to report to work. A school attendance officer
252 who elects to work at any time during that period may not be
253 awarded compensatory leave for such work and may not opt to be
254 absent from work at any time other than during the two (2) weeks
255 designated by the department unless the school attendance officer

256 uses personal leave or major medical leave accrued under Section
257 25-3-93 or 25-3-95 for such absence.

258 (c) The State Department of Education shall establish
259 guidelines for school attendance officers to perform summer visits
260 to chronic truant families. The purpose of the summer visits
261 shall be to emphasize the importance of school attendance and to
262 assist families with "best practices" in reading skills, homework
263 completion, mentoring programs and any other services prescribed
264 by the department. The school attendance officers shall submit
265 reports, which shall include information regarding the progress of
266 the summer visits, to the superintendent of the school district by
267 August 15 of each year.

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

272 **SECTION 2.** This act shall take effect and be in force from
273 and after July 1, 2005.