

By: Representative Moore

To: Education;
Appropriations

HOUSE BILL NO. 454

1 AN ACT TO AMEND SECTIONS 25-9-127 AND 25-9-105, MISSISSIPPI
 2 CODE OF 1972, TO PROVIDE THAT FOR A PERIOD OF TWO YEARS, THE
 3 PERSONNEL ACTIONS OF THE STATE DEPARTMENT OF EDUCATION SUBJECT TO
 4 THE REGULATIONS OF THE STATE PERSONNEL BOARD SHALL BE EXEMPT FROM
 5 STATE PERSONNEL BOARD PROCEDURES, AND ALL EMPLOYEES OF THOSE
 6 AGENCIES SHALL BE CLASSIFIED AS NONSTATE SERVICE DURING THAT
 7 PERIOD; TO AMEND SECTIONS 37-3-13, 37-3-25, 37-3-95, 37-13-80,
 8 37-13-83, 37-13-87, 37-13-89 AND 43-5-8, MISSISSIPPI CODE OF 1972,
 9 IN CONFORMITY TO THE PRECEDING PROVISIONS; AND FOR RELATED
 10 PURPOSES.

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

12 **SECTION 1.** Section 25-9-127, Mississippi Code of 1972, is
 13 amended as follows:

14 25-9-127. (1) No employee of any department, agency or
 15 institution who is included under this chapter or hereafter
 16 included under its authority, and who is subject to the rules and
 17 regulations prescribed by the state personnel system may be
 18 dismissed or otherwise adversely affected as to compensation or
 19 employment status except for inefficiency or other good cause, and
 20 after written notice and hearing within the department, agency or
 21 institution as shall be specified in the rules and regulations of
 22 the State Personnel Board complying with due process of law; and



23 any employee who has by written notice of dismissal or action
24 adversely affecting his compensation or employment status shall,
25 on hearing and on any appeal of any decision made in such action,
26 be required to furnish evidence that the reasons stated in the
27 notice of dismissal or action adversely affecting his compensation
28 or employment status are not true or are not sufficient grounds
29 for the action taken; provided, however, that this provision shall
30 not apply (a) to persons separated from any department, agency or
31 institution due to curtailment of funds or reduction in staff when
32 such separation is in accordance with rules and regulations of the
33 state personnel system; (b) during the probationary period of
34 state service of twelve (12) months; and (c) to an executive
35 officer of any state agency who serves at the will and pleasure of
36 the Governor, board, commission or other appointing authority.

37 (2) The operation of a state-owned motor vehicle without a
38 valid Mississippi driver's license by an employee of any
39 department, agency or institution that is included under this
40 chapter and that is subject to the rules and regulations of the
41 state personnel system shall constitute good cause for dismissal
42 of such person from employment.

43 (3) Beginning July 1, 1999, every male between the ages of
44 eighteen (18) and twenty-six (26) who is required to register
45 under the federal Military Selective Service Act, 50 USCS App.
46 453, and who is an employee of the state shall not be promoted to
47 any higher position of employment with the state until he submits



48 to the person, commission, board or agency by which he is employed
49 satisfactory documentation of his compliance with the draft
50 registration requirements of the Military Selective Service Act.
51 The documentation shall include a signed affirmation under penalty
52 of perjury that the male employee has complied with the
53 requirements of the * * * Military Selective Service Act.

54 (4) For a period of two (2) years beginning July 1, 2014,
55 the provisions of subsection (1) shall not apply to the personnel
56 actions of the State Department of Education that are subject to
57 the rules and regulations of the State Personnel Board, and all
58 employees of the department shall be classified as nonstate
59 service during that period. However, any employee hired after
60 July 1, 2014, by the department shall meet the criteria of the
61 State Personnel Board as it presently exists for employment.
62 Whenever an employee of the department is dismissed or
63 involuntarily terminated under the authority of this section
64 during that period of time, the employee's position and PIN number
65 shall be eliminated. Upon the elimination of such PIN numbers,
66 the department shall not be allowed to add any additional
67 positions and PIN numbers for four (4) years following the date
68 the PIN numbers were eliminated. The State Superintendent of
69 Public Education and the State Board of Education shall consult
70 with the Office of the Attorney General before taking personnel
71 actions authorized by this section to review those actions for
72 compliance with applicable state and federal law.



73 **SECTION 2.** Section 25-9-105, Mississippi Code of 1972, is
74 amended as follows:

75 25-9-105. It is the intent of this chapter to consolidate
76 into one (1) state personnel system all agencies and employees now
77 administered by the Mississippi Classification Commission,
78 agencies and employees now administered by the Mississippi
79 Coordinated Merit System Council, and such other agencies and
80 employees except as excluded by this chapter. The State Personnel
81 Board established herein shall assume the total functions of
82 personnel administration services (a) for those agencies and
83 positions now required and operating under merit system rules due
84 to federal statutory and regulatory provisions or state law, and
85 (b) for all state agencies, departments and institutions except as
86 excluded by this chapter. * * * However, * * * state agencies
87 which are not required by law to operate under merit system rules
88 may request an exemption from the applicant selection process by
89 specific job class or on an agency-wide basis when such exemption
90 is justifiable. * * *

91 **SECTION 3.** Section 37-3-13, Mississippi Code of 1972, is
92 amended as follows:

93 37-3-13. * * *

94 (* * *1) * * * The deputy superintendents, associate
95 superintendents and directors shall be selected by and hold office
96 subject to the will of the State Superintendent of Public
97 Education subject to the approval of the State Board of Education.



98 All other personnel shall be competitively appointed by the State
99 Superintendent and shall be dismissed only for cause in accordance
100 with the rules and regulations of the State Personnel Board. The
101 State Board of Education shall set the salary of the deputy
102 superintendents, associate superintendents and divisional
103 directors, and the members of the teaching staffs and employees of
104 the Mississippi School of the Arts. The State Superintendent,
105 subject to the approval of the State Personnel Board, shall fix
106 the amount of compensation of all other employees of the State
107 Department of Education. All salaries, compensation or expenses
108 of any of the personnel of the department shall be paid upon the
109 requisition of the State Superintendent of Public Education and
110 warrant issued thereunder by the State Auditor out of funds
111 appropriated by the Legislature in a lump sum upon the basis of
112 budgetary requirements submitted by the Superintendent of
113 Education or out of funds otherwise made available. The entire
114 expense of administering the department shall never exceed the
115 amount appropriated therefor, plus funds received from other
116 sources other than state appropriations. For a violation of this
117 provision, the superintendent shall be liable, and he and the
118 sureties on his bond shall be required to restore any such excess.

119 (2) For a period of two (2) years beginning July 1, 2014,
120 the provisions of subsection (1) regarding the personnel actions
121 of the State Department of Education shall not be subject to the
122 rules and regulations of the State Personnel Board for all



123 personnel employed by the department within that period. All
124 personnel hired within the period of exemption from the state
125 personnel system shall be classified as nonstate service and must
126 meet the criteria of the State Personnel Board as it presently
127 exists for employment.

128 **SECTION 4.** Section 37-3-25, Mississippi Code of 1972, is
129 amended as follows:

130 37-3-25. (1) The Director of the Division of Vocational and
131 Technical Education of the State Department of Education who shall
132 be an associate state superintendent of education shall be
133 appointed by the State Superintendent of Public Education. The
134 director's salary shall be set by the State Board of Education
135 subject to the approval of the State Personnel Board. His salary,
136 compensation, travel expenses or other expenses shall be provided
137 for out of any funds made available for such purpose by the
138 Legislature, the federal government, or other gifts or grants.
139 The director shall be responsible to the State Superintendent of
140 Public Education for the proper administration of the programs of
141 vocational and technical education in conformity with the policies
142 adopted by the State Board of Education and shall be responsible
143 for appointing any necessary supervisors, assistants, and
144 employees to assist in carrying out the programs of vocational and
145 technical education. The director shall have the authority to
146 employ, compensate, terminate, promote, demote, transfer or
147 reprimand employees of the division. The salary and compensation



148 of such employees shall be subject to the rules and regulations
149 adopted and promulgated by the State Personnel Board as created
150 under Section 25-9-101 et seq. However, if for any reason within
151 the two-year period beginning July 1, 2014, a new Director of the
152 Division of Vocational and Technical Education or other personnel
153 within the division are employed by the department, the employment
154 shall not be subject to the rules and regulations of the State
155 Personnel Board, except as otherwise provided in Section
156 25-9-127(4).

157 (2) The Director of the Division of Vocational and Technical
158 Education, subject to the approval of the State Board of
159 Education, shall have charge of and be responsible for vocational
160 and technical education training in:

- 161 (a) Agriculture;
- 162 (b) Occupational and consumer home economics;
- 163 (c) Consumer and homemaking education;
- 164 (d) Trades and industry;
- 165 (e) Distributive education;
- 166 (f) Secondary adult education;
- 167 (g) Teacher training and supervision;
- 168 (h) Business and office;
- 169 (i) Health;
- 170 (j) Industrial arts;
- 171 (k) Guidance services;
- 172 (l) Technical education;



173 (m) Cooperative education; and
174 (n) All other specialized training not requiring a
175 bachelors degree, with the exception of programs of nursing
176 education regulated under the provisions of Section 37-129-1.

177 **SECTION 5.** Section 37-3-95, Mississippi Code of 1972, is
178 amended as follows:

179 37-3-95. (1) Subject to the availability of funding for
180 such purpose, the State Superintendent of Public Education shall
181 employ within the State Department of Education or, in the
182 alternative, contract with the Mississippi Military Department for
183 a statewide coordinator for Junior Reserve Officer Training Corps
184 (JROTC) programs in the public schools. If employed by the State
185 Department of Education, the JROTC statewide coordinator must be
186 an active or retired member of the military and must meet any
187 additional qualifications that may be established for the position
188 by the State Superintendent of Public Education or State Personnel
189 Board. However, if for any reason within the two-year period
190 beginning July 1, 2014, a new JROTC statewide coordinator is
191 employed by the department, the employment of such individual
192 shall not be subject to the rules and regulations of the State
193 Personnel Board, except as otherwise provided in Section
194 25-9-127(4).

195 (2) The following are the powers and duties of the JROTC
196 statewide coordinator:



197 (a) To coordinate training of new JROTC instructors and
198 continuing education programs for certified instructors;
199 (b) To facilitate communication between JROTC programs
200 in the various public schools;
201 (c) To assist in organizing competitions among JROTC
202 units from different high schools;
203 (d) To assist in the development of the JROTC
204 curriculum;
205 (e) To compile information on scholarships available to
206 JROTC participants and to solicit support for such scholarships;
207 (f) To assist in establishing support groups for
208 parents of students participating in a JROTC program;
209 (g) To solicit and accept financial support for JROTC
210 programs from private sector donors;
211 (h) To promote the involvement of JROTC units within
212 their local communities;
213 (i) To facilitate interaction between JROTC units and
214 the Mississippi National Guard and Mississippi Air National Guard;
215 (j) To promote, in general, the JROTC program in high
216 schools throughout the state;
217 (k) To assist local schools with the application
218 process for establishing new JROTC programs in high schools; and
219 (l) To perform such other duties relating to the JROTC
220 program established by the State Superintendent of Public
221 Education or State Board of Education.



222 **SECTION 6.** Section 37-13-80, Mississippi Code of 1972, is
223 amended as follows:

224 37-13-80. (1) There is created the Office of Dropout
225 Prevention within the State Department of Education. The office
226 shall be responsible for the administration of a statewide dropout
227 prevention program.

228 (2) The State Superintendent of Public Education shall
229 appoint a director for the Office of Dropout Prevention, who shall
230 meet all qualifications established by the State Superintendent of
231 Public Education and the State Personnel Board. The director
232 shall be responsible for the proper administration of the Office
233 of Dropout Prevention and any other regulations or policies that
234 may be adopted by the State Board of Education. However, if for
235 any reason within the two-year period beginning July 1, 2014, a
236 new director for the Office of Dropout Prevention is employed by
237 the department, the employment of such individual shall not be
238 subject to the rules and regulations of the State Personnel Board,
239 except as otherwise provided in Section 25-9-127(4).

240 (3) Each school district shall implement a dropout
241 prevention program approved by the Office of Dropout Prevention of
242 the State Department of Education by the 2012-2013, and annually
243 thereafter, school year.

244 (4) Each local school district will be held responsible for
245 reducing and/or eliminating dropouts in the district. The local



246 school district will be responsible for the implementation of
247 dropout plans focusing on issues such as, but not limited to:

248 (a) Dropout Prevention initiatives that focus on the
249 needs of individual local education agencies;

250 (b) Establishing policies and procedures that meet the
251 needs of the districts;

252 (c) Focusing on the student-centered goals and
253 objectives that are measureable;

254 (d) Strong emphasis on reducing the retention rates in
255 grades kindergarten, first and second;

256 (e) Targeting subgroups that need additional assistance
257 to meet graduation requirements; and

258 (f) Dropout recovery initiatives that focus on students
259 age seventeen (17) through twenty-one (21), who dropped out of
260 school.

261 (5) The Office of Dropout Prevention may provide technical
262 assistance upon written request by the local school district. The
263 Office of Dropout Prevention will collaborate with program offices
264 within the Mississippi Department of Education to develop and
265 implement policies and initiatives to reduce the state's dropout
266 rate.

267 (6) Each school district's dropout prevention plan shall
268 address how students will transition to the home school district
269 from the juvenile detention centers.



270 (7) It is the intent of the Legislature that, through the
271 statewide dropout prevention program and the dropout prevention
272 programs implemented by each school district, the graduation rate
273 for cohort classes will be increased to not less than eighty-five
274 percent (85%) by the 2018-2019 school year. The Office of Dropout
275 Prevention shall establish graduation rate benchmarks for each
276 two-year period from the 2008-2009 school year through the
277 2018-2019 school year, which shall serve as guidelines for
278 increasing the graduation rate for cohort classes on a systematic
279 basis to eighty-five percent (85%) by the 2018-2019 school year.

280 **SECTION 7.** Section 37-13-83, Mississippi Code of 1972, is
281 amended as follows:

282 37-13-83. The State Superintendent of Public Education shall
283 appoint a director for the Office of Compulsory School Attendance
284 Enforcement, who shall meet all qualifications established for
285 school attendance officer supervisors and any additional
286 qualifications that may be established by the State Superintendent
287 of Public Education or State Personnel Board. The director shall
288 be responsible for the proper administration of the Office of
289 Compulsory School Attendance Enforcement in conformity with the
290 Mississippi Compulsory School Attendance Law and any other
291 regulations or policies that may be adopted by the State Board of
292 Education. The director shall report directly to the Director of
293 the Office of Dropout Prevention. However, if for any reason
294 within the two-year period beginning July 1, 2014, a new director



295 for the Office of Compulsory School Attendance Enforcement is
296 employed by the department, the employment of such individual
297 shall not be subject to the rules and regulations of the State
298 Personnel Board, except as otherwise provided in Section
299 25-9-127(4).

300 **SECTION 8.** Section 37-13-87, Mississippi Code of 1972, is
301 amended as follows:

302 37-13-87. (1) The Director of the Office of Compulsory
303 School Attendance Enforcement shall employ three (3) school
304 attendance officer supervisors, each to maintain an office within
305 a different Supreme Court district. Each supervisor shall be
306 responsible for the enforcement of the Mississippi Compulsory
307 School Attendance Law within his district and shall exercise
308 direct supervision over the school attendance officers in the
309 district. The supervisors, who shall report to the director of
310 the office, shall assist the school attendance officers in the
311 performance of their duties as established by law or otherwise.

312 (2) No person having less than eight (8) years combined
313 actual experience as a school attendance officer, school teacher,
314 school administrator, law enforcement officer possessing a college
315 degree with a major in a behavioral science or a related field,
316 and/or social worker in the state shall be employed as a school
317 attendance officer supervisor. Further, a school attendance
318 officer supervisor shall possess a college degree with a major in
319 a behavioral science or a related field or shall have actual



320 experience as a school teacher, school administrator, law
321 enforcement officer possessing such degree or social worker;
322 however, these requirements shall not apply to persons employed as
323 school attendance officers before January 1, 1987. School
324 attendance officers shall meet any additional qualifications
325 established by the State Personnel Board for school attendance
326 officers or school attendance officer supervisors. The school
327 attendance officer supervisors shall receive an annual salary to
328 be set by the State Superintendent of Public Education, subject to
329 the approval of the State Personnel Board. However, any school
330 attendance officer supervisor employed by the department within
331 the two-year period beginning July 1, 2014, shall not be subject
332 to the rules and regulations of the State Personnel Board, except
333 as otherwise provided in Section 25-9-127(4).

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

336 37-13-89. (1) In each school district within the state,
337 there shall be employed the number of school attendance officers
338 determined by the Office of Compulsory School Attendance
339 Enforcement to be necessary to adequately enforce the provisions
340 of the Mississippi Compulsory School Attendance Law; however, this
341 number shall not exceed one hundred fifty-three (153) school
342 attendance officers at any time. From and after July 1, 1998, all
343 school attendance officers employed pursuant to this section shall
344 be employees of the State Department of Education. The State



345 Department of Education shall employ all persons employed as
346 school attendance officers by district attorneys before July 1,
347 1998, and shall assign them to school attendance responsibilities
348 in the school district in which they were employed before July 1,
349 1998. The first twelve (12) months of employment for each school
350 attendance officer shall be the probationary period of state
351 service. Any school attendance officers employed by the
352 department within the two-year period beginning July 1, 2014,
353 shall not be subject to the rules and regulations of the State
354 Personnel Board, including the provisions of subsection (6) of
355 this section, except as otherwise provided in Section 25-9-127(4).

356 (2) (a) The State Department of Education shall obtain
357 current criminal records background checks and current child abuse
358 registry checks on all persons applying for the position of school
359 attendance officer after July 2, 2002. The criminal records
360 information and registry checks must be kept on file for any new
361 hires. In order to determine an applicant's suitability for
362 employment as a school attendance officer, the applicant must be
363 fingerprinted. If no disqualifying record is identified at the
364 state level, the Department of Public Safety shall forward the
365 fingerprints to the Federal Bureau of Investigation (FBI) for a
366 national criminal history record check. The applicant shall pay
367 the fee, not to exceed Fifty Dollars (\$50.00), for the
368 fingerprinting and criminal records background check; however, the
369 State Department of Education, in its discretion, may pay the fee



370 for the fingerprinting and criminal records background check on
371 behalf of any applicant. Under no circumstances may a member of
372 the State Board of Education, employee of the State Department of
373 Education or any person other than the subject of the criminal
374 records background check disseminate information received through
375 any such checks except insofar as required to fulfill the purposes
376 of this subsection.

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



395 are not necessarily limited to: (i) age at which the crime was
396 committed; (ii) circumstances surrounding the crime; (iii) length
397 of time since the conviction and criminal history since the
398 conviction; (iv) work history; (v) current employment and
399 character references; and (vi) other evidence demonstrating the
400 ability of the person to perform the responsibilities of a school
401 attendance officer competently and that the person does not pose a
402 threat to the health or safety of children.

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

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

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



420 (a) Cooperate with any public agency to locate and
421 identify all compulsory-school-age children who are not attending
422 school;

423 (b) Cooperate with all courts of competent
424 jurisdiction;

425 (c) Investigate all cases of nonattendance and unlawful
426 absences by compulsory-school-age children not enrolled in a
427 nonpublic school;

428 (d) Provide appropriate counseling to encourage all
429 school-age children to attend school until they have completed
430 high school;

431 (e) Attempt to secure the provision of social or
432 welfare services that may be required to enable any child to
433 attend school;

434 (f) Contact the home or place of residence of a
435 compulsory-school-age child and any other place in which the
436 officer is likely to find any compulsory-school-age child when the
437 child is absent from school during school hours without a valid
438 written excuse from school officials, and when the child is found,
439 the officer shall notify the parents and school officials as to
440 where the child was physically located;

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



445 from school officials; if no valid reason is found for the
446 nonenrollment or absence from the school, the school attendance
447 officer shall give written notice to the parent, guardian or
448 custodian of the requirement for the child's enrollment or
449 attendance;

450 (h) Collect and maintain information concerning
451 absenteeism, dropouts and other attendance-related problems, as
452 may be required by law or the Office of Compulsory School
453 Attendance Enforcement; and

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

457 (5) While engaged in the performance of his duties, each
458 school attendance officer shall carry on his person a badge
459 identifying him as a school attendance officer under the Office of
460 Compulsory School Attendance Enforcement of the State Department
461 of Education and an identification card designed by the State
462 Superintendent of Public Education and issued by the school
463 attendance officer supervisor. Neither the badge nor the
464 identification card shall bear the name of any elected public
465 official.

466 (6) The State Personnel Board shall develop a salary scale
467 for school attendance officers as part of the variable
468 compensation plan. The various pay ranges of the salary scale
469 shall be based upon factors including, but not limited to,



470 education, professional certification and licensure, and number of
471 years of experience. School attendance officers shall be paid in
472 accordance with this salary scale. The minimum salaries under the
473 scale shall be no less than the following:

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

479	Years of Experience	Salary
480	0 - 4 years	\$19,650.00
481	5 - 8 years	21,550.00
482	9 - 12 years	23,070.00
483	13 - 16 years	24,590.00
484	Over 17 years	26,110.00

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

489	Years of Experience	Salary
490	0 - 4 years	\$20,650.00
491	5 - 8 years	22,950.00
492	9 - 12 years	24,790.00
493	13 - 16 years	26,630.00
494	17 - 20 years	28,470.00



495 Over 21 years 30,310.00

496 (c) For school attendance officers holding a master's
497 degree in a behavioral science or a related field, the annual
498 salary shall be based on years of experience as a school
499 attendance officer or related field of service or employment, no
500 less than as follows:

501	Years of Experience	Salary
502	0 - 4 years	\$21,450.00
503	5 - 8 years	24,000.00
504	9 - 12 years	26,040.00
505	13 - 16 years	28,080.00
506	17 - 20 years	30,120.00
507	Over 21 years	32,160.00

508 (7) (a) Each school attendance officer employed by a
509 district attorney on June 30, 1998, who became an employee of the
510 State Department of Education on July 1, 1998, shall be awarded
511 credit for personal leave and major medical leave for his
512 continuous service as a school attendance officer under the
513 district attorney, and if applicable, the youth or family court or
514 a state agency. The credit for personal leave shall be in an
515 amount equal to one-third (1/3) of the maximum personal leave the
516 school attendance officer could have accumulated had he been
517 credited with such leave under Section 25-3-93 during his
518 employment with the district attorney, and if applicable, the
519 youth or family court or a state agency. The credit for major



520 medical leave shall be in an amount equal to one-half (1/2) of the
521 maximum major medical leave the school attendance officer could
522 have accumulated had he been credited with such leave under
523 Section 25-3-95 during his employment with the district attorney,
524 and if applicable, the youth or family court or a state agency.
525 However, if a district attorney who employed a school attendance
526 officer on June 30, 1998, certifies, in writing, to the State
527 Department of Education that the school attendance officer had
528 accumulated, pursuant to a personal leave policy or major medical
529 leave policy lawfully adopted by the district attorney, a number
530 of days of unused personal leave or major medical leave, or both,
531 which is greater than the number of days to which the school
532 attendance officer is entitled under this paragraph, the State
533 Department of Education shall authorize the school attendance
534 officer to retain the actual unused personal leave or major
535 medical leave, or both, certified by the district attorney,
536 subject to the maximum amount of personal leave and major medical
537 leave the school attendance officer could have accumulated had he
538 been credited with such leave under Sections 25-3-93 and 25-3-95.

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



544 rendered by the school attendance officer as an employee of the
545 department.

546 (c) In order for a school attendance officer to be
547 awarded credit for personal leave and major medical leave or to
548 retain the actual unused personal leave and major medical leave
549 accumulated by him before July 1, 1998, the district attorney who
550 employed the school attendance officer must certify, in writing,
551 to the State Department of Education the hire date of the school
552 attendance officer. For each school attendance officer employed
553 by the youth or family court or a state agency before being
554 designated an employee of the district attorney who has not had a
555 break in continuous service, the hire date shall be the date that
556 the school attendance officer was hired by the youth or family
557 court or state agency. The department shall prescribe the date by
558 which the certification must be received by the department and
559 shall provide written notice to all district attorneys of the
560 certification requirement and the date by which the certification
561 must be received.

562 (8) (a) School attendance officers shall maintain regular
563 office hours on a year-round basis; however, during the school
564 term, on those days that teachers in all of the school districts
565 served by a school attendance officer are not required to report
566 to work, the school attendance officer also shall not be required
567 to report to work. (For purposes of this subsection, a school
568 district's school term is that period of time identified as the



569 school term in contracts entered into by the district with
570 licensed personnel.) A school attendance officer shall be
571 required to report to work on any day recognized as an official
572 state holiday if teachers in any school district served by that
573 school attendance officer are required to report to work on that
574 day, regardless of the school attendance officer's status as an
575 employee of the State Department of Education, and compensatory
576 leave may not be awarded to the school attendance officer for
577 working during that day. However, a school attendance officer may
578 be allowed by the school attendance officer's supervisor to use
579 earned leave on such days.

580 (b) The State Department of Education annually shall
581 designate a period of two (2) consecutive weeks in the summer
582 between school years during which school attendance officers shall
583 not be required to report to work. A school attendance officer
584 who elects to work at any time during that period may not be
585 awarded compensatory leave for such work and may not opt to be
586 absent from work at any time other than during the two (2) weeks
587 designated by the department unless the school attendance officer
588 uses personal leave or major medical leave accrued under Section
589 25-3-93 or 25-3-95 for such absence.

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



594 **SECTION 10.** Section 43-5-8, Mississippi Code of 1972, is
595 amended as follows:

596 43-5-8. The Superintendent of the School for the Blind and
597 the Superintendent of the School for the Deaf and all principals
598 and directors shall be selected by and hold office subject to the
599 will and pleasure of the State Superintendent of Education,
600 subject to the approval of the State Board of Education. The
601 State Board of Education may provide housing for the two (2)
602 superintendents so employed either on- or off-campus. Each
603 superintendent shall at all times maintain supervision of the
604 physical properties of the school he serves unless otherwise
605 provided. All other personnel shall be competitively appointed by
606 the state superintendent and shall be dismissed only for cause in
607 accordance with the rules and regulations of the State Personnel
608 Board. The state superintendent, subject to the approval of the
609 State Personnel Board, shall fix the amount of compensation or
610 expenses of any of the personnel of the schools, which shall be
611 paid upon the requisition of the state superintendent and warrant
612 issued thereunder by the State Auditor out of the funds
613 appropriated by the Legislature in a lump sum upon the basis of
614 budgetary requirements submitted by the Superintendent of
615 Education or out of funds otherwise made available. The entire
616 expense of administering the schools shall never exceed the amount
617 appropriated therefor, plus funds received from sources other than
618 state appropriations. For a violation of this provision, the



619 superintendent shall be liable, and he and the sureties on his
620 bond shall be required to restore any excess. However, if for any
621 reason within the two-year period beginning July 1, 2014, a new
622 Superintendent of the School for the Blind, Superintendent of the
623 School for the Deaf or other administrative or instructional
624 personnel are employed by the department, the employment shall not
625 be subject to the rules and regulations of the State Personnel
626 Board, except as otherwise provided in Section 25-9-127(4).

627 **SECTION 11.** This act shall take effect and be in force from
628 and after July 1, 2014.

