

By: Representative Johnson

To: Education

HOUSE BILL NO. 237

1 AN ACT TO AMEND SECTIONS 37-15-29 AND 37-15-31, MISSISSIPPI
2 CODE OF 1972, TO AUTHORIZE CHILDREN WHOSE LEGAL RESIDENCES CHANGE
3 FROM ONE SCHOOL DISTRICT TO ANOTHER DURING A SCHOOL YEAR TO OPT TO
4 COMPLETE THAT SCHOOL YEAR IN THE DISTRICT FROM WHICH THE CHILD
5 TRANSFERRED OR IN THE DISTRICT OF HIS NEW RESIDENCE; AND FOR
6 RELATED PURPOSES.

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

8 SECTION 1. Section 37-15-29, Mississippi Code of 1972, is
9 amended as follows:

10 37-15-29. (1) Except as provided in subsections (2) through
11 (5) of this section, no minor child may enroll in or attend any
12 school except in the school district of his residence, unless such
13 child is lawfully transferred from the school district of his
14 residence to a school in another school district in accord with
15 the statutes of this state * * *.

16 (2) Those children whose parent(s) or legal guardian(s) are
17 instructional personnel or licensed employees of a school district
18 may, at such employee's discretion, enroll and attend the school
19 or schools of their parent's or legal guardian's employment
20 regardless of the residence of the child.

21 (3) No child shall be required to be transported in excess
22 of thirty (30) miles on a school bus from his or her home to
23 school, or in excess of thirty (30) miles from school to his or
24 her home, if there is another school in an adjacent school
25 district located on a shorter school bus transportation route by
26 the nearest traveled road. Those children residing in such
27 geographical situations * * *, at the discretion of their
28 parent(s) or legal guardian(s), may enroll and attend the nearer

29 school, regardless of the residence of the child. In the event
30 the parent or legal guardian of such child and the school board
31 are unable to agree on the school bus mileage required to
32 transport the child from his or her home to school, an appeal
33 shall lie to the State Board of Education, or its designee, whose
34 decision shall be final.

35 (4) Those children lawfully transferred from the school
36 district of his residence to a school in another school district
37 prior to July 1, 1992, * * * at the discretion of their parent(s)
38 or legal guardian(s), may continue to enroll and attend school in
39 the transferee school district. * * * The brother(s) and
40 sister(s) of those children lawfully transferred prior to July 1,
41 1992, * * * at the discretion of their parent(s) or legal
42 guardian(s), also may enroll and attend school in the transferee
43 school district.

44 (5) Any child whose residence lawfully changes from one (1)
45 school district to another school district during a school year,
46 in the discretion of the child's parent, custodian or legal
47 guardian, shall have the option of continuing to enroll in and
48 attend school in the district from which the child transfers or
49 enrolling in and attending school in the transferee school
50 district for the remainder of that school year; however, in all
51 subsequent school years, the child must enroll in and attend
52 school in the school district of his residence unless the child is
53 lawfully transferred to a school in another district.

54 SECTION 2. Section 37-15-31, Mississippi Code of 1972, is
55 amended as follows:

56 37-15-31. (1) (a) Except as provided in subsections (2)
57 through (5) of this section, upon the petition in writing of a
58 parent or guardian, resident of the school district of an
59 individual student, filed or lodged with the president or
60 secretary of the school board of a school district in which the
61 pupil has been enrolled or is qualified to be enrolled as a
62 student under Section 37-15-9, or upon the aforesaid petition or
63 the initiative of the school board of a school district as to the
64 transfer of a grade or grades, individual students living in one
65 school district or a grade or grades of a school within the

66 districts may be legally transferred to another school district,
67 by the mutual consent of the school boards of all school districts
68 concerned, which consent must be given in writing and spread upon
69 the minutes of such boards.

70 (b) * * * If such a transfer is refused by the school
71 board of either school district, then an appeal may be had to the
72 county board of education. The county board of education to which
73 the appeal is taken shall act thereon not later than the date of
74 its next regular meeting subsequent to the disapproval or failure
75 to act by the school board of the school district, or not later
76 than the date of its next regular meeting subsequent to the filing
77 of such appeal.

78 (c) The school board of the transferring school
79 district to which such petition may be addressed shall act thereon
80 not later than its next regular meeting subsequent to the filing
81 or lodging of the petition, and a failure to act within that time
82 shall constitute a rejection of such request. The school board of
83 the other school district involved, the transferee board, and the
84 county board of education, if applicable under paragraph (b) of
85 this subsection, shall act on such request for transfer as soon as
86 possible after the transferor board shall have approved or
87 rejected such transfer and no later than the next regular meeting
88 of the transferee board or county board of education, and a
89 failure of such transferee board to act within such time shall
90 constitute a rejection of such request. If such a transfer is
91 approved by the transferee board, and the county board of
92 education if applicable under paragraph (b) of this subsection,
93 then such decision shall be final. If such a transfer is refused
94 by the school board of either school district or the county board
95 of education, then such decision shall be final.

96 (d) Any legal guardianship formed for the purpose of
97 establishing residency for school district attendance purposes
98 shall not be recognized by the affected school board.

99 (2) (a) Upon the petition in writing of any parent or
100 guardian who is a resident of Mississippi and is an instructional
101 or licensed employee of a school district, but not a resident of
102 such district, the school board of the employer school district
103 shall consent to the transfer of such employee's dependent
104 school-age children to its district and shall spread the same upon
105 the minutes of the board. Upon the petition in writing of any
106 parent or guardian who is not a resident of Mississippi and on
107 January 1, 1993, is an instructional or licensed employee of a
108 school district in Mississippi, the school board of the employer
109 school district shall consent to the transfer of such employee's
110 dependent school-age children to its district and shall spread the
111 same upon the minutes of the board.

112 (b) The school board of any school district may, in its
113 discretion, may adopt a uniform policy to allow the enrollment and
114 attendance of the dependent children of noninstructional and
115 nonlicensed employees, who are residents of Mississippi but are
116 not residents of their district. Such policy shall be based upon
117 the employment needs of the district, implemented according to job
118 classification groups and renewed each school year.

119 (c) The employer transferee school district shall
120 notify in writing the school district from which the pupil or
121 pupils are transferring, and the school board of the transferor
122 school district shall spread the same upon its minutes.

123 (d) Any such agreement by school boards for the legal
124 transfer of a student shall include a provision providing for the
125 transportation of the student. In the absence of such a
126 provision, the responsibility for transporting the student to the
127 transferee school district shall be that of the parent or
128 guardian.

129 (e) Any school district which accepts a student under
130 the provisions of this subsection shall not assess any tuition
131 fees upon such transferring student in accordance with the

132 provisions of Section 37-19-27.

133 (3) Upon the petition in writing of any parent or legal
134 guardian of a school-age child who is a resident of an adjacent
135 school district residing in the geographical situation described
136 in Section 37-15-29(3), the school board of the school district
137 operating the school located in closer proximity to the residence
138 of the child shall consent to the transfer of the child to its
139 district, and shall spread the same upon the minutes of the board.

140 Any such agreement by school boards for the legal transfer of a
141 student under this subsection shall include a provision for the
142 transportation of the student by either the transferor or the
143 transferee school district. In the event that either the school
144 board of the transferee or the transferor school district shall
145 object to the transfer, it shall have the right to appeal to the
146 State Board of Education whose decision shall be final. However,
147 if the school boards agreeing on the legal transfer of any
148 student * * * fail to agree on which district shall provide
149 transportation, the responsibility for transporting the student to
150 the transferee school district shall be that of the parent or
151 guardian.

152 (4) Upon the petition in writing of any parent or legal
153 guardian of a school-age child who was lawfully transferred to
154 another school district prior to July 1, 1992, as described in
155 Section 37-15-29(4), the school board of the transferee school
156 district shall consent to the transfer of such child and the
157 transfer of any school-age brother and sister of such child to its
158 district, and shall spread the same upon the minutes of the board.

159 (5) Upon the petition in writing of any parent, custodian or
160 legal guardian of a school-age child who continues to enroll in
161 and attend school in the district from which the child's residence
162 has lawfully changed during a school year, as authorized under
163 Section 37-15-29(5), the school board of the school district to
164 which the child's residence has changed shall consent to the child

165 continuing to enroll in and attend school in the district from
166 which the child transferred for the remainder of that school year,
167 which consent shall be spread upon the minutes of the board. The
168 responsibility for transporting the child to and from school in
169 the school district from which the child's residence has lawfully
170 changed shall be that of the child's parent, custodian or legal
171 guardian.

172 SECTION 3. This act shall take effect and be in force from
173 and after July 1, 1999.