

By: Representative Clarke

To: Education

HOUSE BILL NO. 1116

1 AN ACT TO AMEND SECTIONS 37-15-9, 37-15-11 AND 37-15-29,  
2 MISSISSIPPI CODE OF 1972, TO ALLOW SCHOOLS TO ENROLL STUDENTS WHO  
3 HAVE RESIDED WITH THEIR GRANDPARENTS FOR NOT LESS THAN FIVE YEARS  
4 PRECEDING THE DATE OF ENROLLMENT; AND FOR RELATED PURPOSES.

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

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

8 37-15-9. (1) Except as provided in subsection (2) and  
9 subject to the provision of subsection (3) of this section, no  
10 child shall be enrolled or admitted to any school which is a part  
11 of the free public school system during any school year unless  
12 such child will reach his sixth birthday on or before September 1  
13 of said school year. No pupil shall be permanently enrolled in a  
14 school in the State of Mississippi who formerly was enrolled in  
15 another public or private school within the state until the  
16 cumulative record of the pupil shall have been received from the  
17 school from which he transferred. Should such record have become  
18 lost or destroyed, then it shall be the duty of the superintendent  
19 or principal of the school where the pupil last attended school to  
20 initiate a new record.

21 (2) Subject to the provisions of subsection (3) of this  
22 section, any child who transfers from an out-of-state public or  
23 private school in which that state's law provides for a  
24 first-grade or kindergarten enrollment date subsequent to  
25 September 1, shall be allowed to enroll in the public schools of  
26 Mississippi, at the same grade level as their prior out-of-state  
27 enrollment, if:

28           (a) The parent, legal guardian or custodian of such  
29 child was a legal resident of the state from which the child is  
30 transferring;

31           (b) The out-of-state school from which the child is  
32 transferring is duly accredited by that state's appropriate  
33 accrediting authority;

34           (c) Such child was legally enrolled in a public or  
35 private school for a minimum of four (4) weeks in the previous  
36 state; and

37           (d) The superintendent of schools in the applicable  
38 Mississippi school district has determined that the child was  
39 making satisfactory educational progress in the previous state.

40           (3) When any child applies for admission or enrollment in  
41 any public school in the state, the parent, guardian or child, in  
42 the absence of an accompanying parent or guardian, shall indicate  
43 on the school registration form if the enrolling child has been  
44 expelled from any public or private school or is currently a party  
45 to an expulsion proceeding. If it is determined from the child's  
46 cumulative record or application for admission or enrollment that  
47 the child has been expelled, the school district may deny the  
48 student admission and enrollment until the superintendent of the  
49 school or his designee has reviewed the child's cumulative record  
50 and determined that the child has participated in successful  
51 rehabilitative efforts including, but not limited to, progress in  
52 an alternative school or similar program. If the child is a party  
53 to an expulsion proceeding, the child may be admitted to a public  
54 school pending final disposition of the expulsion proceeding. If  
55 the expulsion proceeding results in the expulsion of the child,  
56 the public school may revoke such admission to school. If the  
57 child was expelled or is a party to an expulsion proceeding for an  
58 act involving violence, weapons, alcohol, illegal drugs or other  
59 activity that may result in expulsion, the school district shall  
60 not be required to grant admission or enrollment to the child

61 before one (1) calendar year after the date of the expulsion.

62 (4) A school may, in its discretion, enroll a student who  
63 has resided with his grandparents for not less than five (5) years  
64 preceding the date of enrollment.

65 SECTION 2. Section 37-15-11, Mississippi Code of 1972, is  
66 amended as follows:

67 37-15-11. Whenever any minor child seeks or applies to  
68 enroll or gain entrance to any public school in this state, and  
69 such child is not accompanied by his parent, natural or adoptive,  
70 who is legally responsible for said child, or such child is not  
71 accompanied by his general guardian, if a guardian has been  
72 appointed for him, or such child is not accompanied by a  
73 grandparent and allowed to enroll as provided in Section  
74 37-15-9(4), the school official or officials or teacher to whom  
75 such child applies or reports for enrollment or admission, may  
76 delay consideration of the enrollment or enlistment of such minor  
77 child and require such parent or guardian to accompany such child  
78 and apply for such enrollment and admission into said school for  
79 and on behalf of such minor child.

80 SECTION 3. Section 37-15-29, Mississippi Code of 1972, is  
81 amended as follows:

82 37-15-29. (1) Except as provided in subsections (2), (3)  
83 and (4) of this section, no minor child may enroll in or attend  
84 any school except in the school district of his residence, unless  
85 such child be lawfully transferred from the school district of his  
86 residence to a school in another school district in accord with  
87 the statutes of this state now in effect or which may be hereafter  
88 enacted.

89 (2) Those children whose parent(s) or legal guardian(s) are  
90 instructional personnel or certificated employees of a school  
91 district may at such employee's discretion enroll and attend the  
92 school or schools of their parent's or legal guardian's employment  
93 regardless of the residence of the child.

94           (3) No child shall be required to be transported in excess  
95 of thirty (30) miles on a school bus from his or her home to  
96 school, or in excess of thirty (30) miles from school to his or  
97 her home, if there is another school in an adjacent school  
98 district located on a shorter school bus transportation route by  
99 the nearest traveled road. Those children residing in such  
100 geographical situations may, at the discretion of their parent(s)  
101 or legal guardian(s), enroll and attend the nearer school,  
102 regardless of the residence of the child. In the event the parent  
103 or legal guardian of such child and the school board are unable to  
104 agree on the school bus mileage required to transport the child  
105 from his or her home to school, an appeal shall lie to the State  
106 Board of Education, or its designee, whose decision shall be  
107 final.

108           (4) Those children lawfully transferred from the school  
109 district of his residence to a school in another school district  
110 prior to July 1, 1992, may, at the discretion of their parent(s),  
111 legal guardian(s) or grandparent(s), continue to enroll and attend  
112 school in the transferee school district. Provided further, that  
113 the brother(s) and sister(s) of said children lawfully transferred  
114 prior to July 1, 1992, may also, at the discretion of their  
115 parent(s) or legal guardian(s), enroll and attend school in the  
116 transferee school district.

117           SECTION 4. This act shall take effect and be in force from  
118 and after July 1, 1999.