

By: Robinson (84th)

To: Education

HOUSE BILL NO. 323

1 AN ACT TO AMEND SECTION 37-15-31, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE THE TRANSFER OF STUDENTS RESIDING IN THE ADDED  
3 TERRITORY OF A MUNICIPAL SCHOOL DISTRICT TO THE SCHOOL DISTRICT  
4 ADJACENT TO THE ADDED TERRITORY WHEN THE BOARD OF TRUSTEES OF THE  
5 MUNICIPAL SCHOOL DISTRICT HAS NO MEMBER FROM THE ADDED TERRITORY;  
6 AND FOR RELATED PURPOSES.

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

8 SECTION 1. Section 37-15-31, Mississippi Code of 1972, is  
9 amended as follows:

10 37-15-31. (1) (a) Except as provided in subsections (2)  
11 through (5) of this section, upon the petition in writing of a  
12 parent or guardian resident of the school district of an  
13 individual student filed or lodged with the president or secretary  
14 of the school board of a school district in which the pupil has  
15 been enrolled or is qualified to be enrolled as a student under  
16 Section 37-15-9, or upon the aforesaid petition or the initiative  
17 of the school board of a school district as to the transfer of a  
18 grade or grades, individual students living in one school district  
19 or a grade or grades of a school within the districts may be  
20 legally transferred to another school district, by the mutual  
21 consent of the school boards of all school districts concerned,  
22 which consent must be given in writing and spread upon the minutes  
23 of such boards.

24           (b) \* \* \* If such a transfer should be refused by the  
25 school board of either school district, then an appeal may be had  
26 to such county board of education. The county board of education  
27 to which the appeal is taken shall act thereon not later than the  
28 date of its next regular meeting subsequent to the disapproval or  
29 failure to act by the school board of the school district, or not  
30 later than the date of its next regular meeting subsequent to the  
31 filing of such appeal.

32           (c) The school board of the transferring school  
33 district to which such petition may be addressed shall act thereon  
34 not later than its next regular meeting subsequent to the filing  
35 or lodging of the petition, and a failure to act within that time  
36 shall constitute a rejection of such request. The school board of  
37 the other school district involved and the transferee board \* \* \*  
38 shall act on such request for transfer as soon as possible after  
39 the transferor board shall have approved or rejected such transfer  
40 and no later than the next regular meeting of the transferee board  
41 or county board of education, and a failure of such transferee  
42 board to act within such time shall constitute a rejection of such  
43 request. If such a transfer is approved by the transferee  
44 board, \* \* \* then such decision shall be final. If such a  
45 transfer should be refused by the school board of either school  
46 district or the county board of education, then such decision  
47 shall be final.

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

51           (2) (a) Upon the petition in writing of any parent or  
52 guardian who is a resident of Mississippi and is an instructional  
53 or licensed employee of a school district, but not a resident of  
54 such district, the school board of the employer school district

55 shall consent to the transfer of such employee's dependent  
56 school-age children to its district and shall spread the same upon  
57 the minutes of the board. Upon the petition in writing of any  
58 parent or guardian who is not a resident of Mississippi and on  
59 January 1, 1993, is an instructional or licensed employee of a  
60 school district in Mississippi, the school board of the employer  
61 school district shall consent to the transfer of such employee's  
62 dependent school-age children to its district and shall spread the  
63 same upon the minutes of the board.

64 (b) The school board of any school district, in its  
65 discretion, may adopt a uniform policy to allow the enrollment and  
66 attendance of the dependent children of noninstructional and  
67 nonlicensed employees, who are residents of Mississippi but are  
68 not residents of their district. Such policy shall be based upon  
69 the employment needs of the district, implemented according to job  
70 classification groups and renewed each school year.

71 (c) The employer transferee school district shall  
72 notify in writing the school district from which the pupil or  
73 pupils are transferring, and the school board of the transferor  
74 school district shall spread the same upon its minutes.

75 (d) Any such agreement by school boards for the legal  
76 transfer of a student shall include a provision providing for the  
77 transportation of the student. In the absence of such a provision  
78 the responsibility for transporting the student to the transferee  
79 school district shall be that of the parent or guardian.

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

83 provisions of Section 37-19-27.

84 (3) Upon the petition in writing of any parent or legal  
85 guardian of a school-age child who is a resident of an adjacent  
86 school district residing in the geographical situation described  
87 in Section 37-15-29(3), the school board of the school district  
88 operating the school located in closer proximity to the residence  
89 of the child shall consent to the transfer of the child to its  
90 district, and shall spread the same upon the minutes of the board.

91 Any such agreement by school boards for the legal transfer of a  
92 student under this subsection shall include a provision for the  
93 transportation of the student by either the transferor or the  
94 transferee school district. In the event that either the school  
95 board of the transferee or the transferor school district shall  
96 object to the transfer, it shall have the right to appeal to the  
97 State Board of Education whose decision shall be final. However,  
98 if the school boards agreeing on the legal transfer of any student  
99 shall fail to agree on which district shall provide  
100 transportation, the responsibility for transporting the student to  
101 the transferee school district shall be that of the parent or  
102 guardian.

103 (4) Upon the petition in writing of any parent or legal  
104 guardian of a school-age child who was lawfully transferred to  
105 another school district prior to July 1, 1992, as described in  
106 Section 37-15-29(4), the school board of the transferee school  
107 district shall consent to the transfer of such child and the  
108 transfer of any school-age brother and sister of such child to its  
109 district, and shall spread the same upon the minutes of the board.

110 (5) If the board of trustees of a municipal separate school

111 district with added territory has no member who is a resident of  
112 the added territory outside the corporate limits, upon the  
113 petition in writing of any parent or legal guardian of a  
114 school-age child who is a resident of the added territory outside  
115 the corporate limits, the board of trustees of the municipal  
116 separate school district and the school board of the school  
117 district adjacent to the added territory shall consent to the  
118 transfer of the child from the municipal separate school district  
119 to the adjacent school district. The agreement shall be spread  
120 upon the minutes of the board of trustees of the municipal  
121 separate school district and the school board of the adjacent  
122 school district. The agreement shall provide for the  
123 transportation of the student. In the absence of such a  
124 provision, the parent or legal guardian shall have the  
125 responsibility for transporting the student to the adjacent school  
126 district. Any school district that accepts a student under this  
127 subsection shall not assess any tuition fees against the  
128 transferring student.

129 The board of trustees of the municipal separate school  
130 district and the school board of the adjacent school district  
131 shall forward a certified copy of the agreement to the respective  
132 levying authority for each school district, as defined in Section  
133 37-57-1. Upon receipt of the agreement, the levying authorities  
134 shall adjust the tax levy for school district purposes assessed  
135 against the parent or legal guardian of the transferred student so  
136 that the parent or legal guardian is not assessed any taxes levied  
137 on behalf of the school district from which the student has  
138 transferred, but instead, is assessed taxes levied by the school

139 district to which the student has transferred.

140 SECTION 2. This act shall take effect and be in force from  
141 and after July 1, 2000.