

By: Straughter

To: Education

## HOUSE BILL NO. 1309

1 AN ACT TO AMEND SECTION 37-15-9, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE LOCAL SCHOOL BOARDS TO ALLOW CERTAIN CHILDREN TO ENROLL  
3 IN THE FIRST GRADE BEFORE THEIR ATTAINING AGE SIX; AND FOR RELATED  
4 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:[HS1]

8 37-15-9. (1) Except as provided in subsections (2) and (3)  
9 and subject to the provisions of subsection (4) of this section,  
10 no child shall be enrolled or admitted to any school which is a  
11 part of the free public school system during any school year  
12 unless such child will reach his sixth birthday on or before  
13 September 1 of said school year. No pupil shall be permanently  
14 enrolled in a school in the State of Mississippi who formerly was  
15 enrolled in another public or private school within the state  
16 until the cumulative record of the pupil shall have been received  
17 from the school from which he transferred. Should such record  
18 have become lost or destroyed, then it shall be the duty of the  
19 superintendent or principal of the school where the pupil last  
20 attended school to initiate a new record.

21 (2) Subject to the provisions of subsection (4) 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) Upon the request of a child's parent, guardian or legal  
41 custodian, the school board of a local school district, in its  
42 discretion, may administer an assessment to a child who will not  
43 reach his sixth birthday on or before September 1 of a forthcoming  
44 school year in order to determine the child's readiness to enroll  
45 in the first grade in that school year. The assessment shall  
46 include, at a minimum, an examination of the child's cognitive  
47 skills. If, in the determination of the school district  
48 superintendent, the results of the assessment and the child's  
49 current mental and emotional development indicate that the child  
50 is ready to be enrolled in the first grade in the forthcoming  
51 school year, the school board, in its discretion, may authorize  
52 the child's enrollment in that school district.

53           (4) When any child applies for admission or enrollment in  
54 any public school in the state, the parent, guardian or child, in  
55 the absence of an accompanying parent or guardian, shall indicate  
56 on the school registration form if the enrolling child has been  
57 expelled from any public or private school or is currently a party  
58 to an expulsion proceeding. If it is determined from the child's  
59 cumulative record or application for admission or enrollment that  
60 the child has been expelled, the school district may deny the

61 student admission and enrollment until the superintendent of the  
62 school or his designee has reviewed the child's cumulative record  
63 and determined that the child has participated in successful  
64 rehabilitative efforts including, but not limited to, progress in  
65 an alternative school or similar program. If the child is a party  
66 to an expulsion proceeding, the child may be admitted to a public  
67 school pending final disposition of the expulsion proceeding. If  
68 the expulsion proceeding results in the expulsion of the child,  
69 the public school may revoke such admission to school. If the  
70 child was expelled or is a party to an expulsion proceeding for an  
71 act involving violence, weapons, alcohol, illegal drugs or other  
72 activity that may result in expulsion, the school district shall  
73 not be required to grant admission or enrollment to the child  
74 before one (1) calendar year after the date of the expulsion.

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