

By: Representatives Robinson (84th), Horne

To: Education

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 413

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 DOES NOT HAVE A MEMBER FROM THE ADDED  
6 TERRITORY; 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 \* \* \*

25 (b) The school board of the transferring school  
26 district to which such petition may be addressed shall act thereon  
27 not later than its next regular meeting subsequent to the filing  
28 or lodging of the petition, and a failure to act within that time

29 shall constitute a rejection of such request. The school board of  
30 the other school district involved (the transferee board) shall  
31 act on such request for transfer as soon as possible after the  
32 transferor board shall have approved or rejected such transfer and  
33 no later than the next regular meeting of the transferee  
34 board \* \* \*, and a failure of such transferee board to act within  
35 such time shall constitute a rejection of such request. If such a  
36 transfer is approved by the transferee board, \* \* \* then such  
37 decision shall be final. If such a transfer should be refused by  
38 the school board of either school district \* \* \*, then such  
39 decision shall be final.

40           (c) Any legal guardianship formed for the purpose of  
41 establishing residency for school district attendance purposes  
42 shall not be recognized by the affected school board.

43           (2) (a) Upon the petition in writing of any parent or  
44 guardian who is a resident of Mississippi and is an instructional  
45 or licensed employee of a school district, but not a resident of  
46 such district, the school board of the employer school district  
47 shall consent to the transfer of such employee's dependent  
48 school-age children to its district and shall spread the same upon  
49 the minutes of the board. Upon the petition in writing of any  
50 parent or guardian who is not a resident of Mississippi and on  
51 January 1, 1993, is an instructional or licensed employee of a  
52 school district in Mississippi, the school board of the employer  
53 school district shall consent to the transfer of such employee's  
54 dependent school-age children to its district and shall spread the  
55 same upon the minutes of the board.

56           (b) The school board of any school district, in its  
57 discretion, may adopt a uniform policy to allow the enrollment and  
58 attendance of the dependent children of noninstructional and  
59 nonlicensed employees, who are residents of Mississippi but are  
60 not residents of their district. Such policy shall be based upon

61 the employment needs of the district, implemented according to job  
62 classification groups and renewed each school year.

63 (c) The employer transferee school district shall  
64 notify in writing the school district from which the pupil or  
65 pupils are transferring, and the school board of the transferor  
66 school district shall spread the same upon its minutes.

67 (d) Any such agreement by school boards for the legal  
68 transfer of a student shall include a provision providing for the  
69 transportation of the student. In the absence of such a provision  
70 the responsibility for transporting the student to the transferee  
71 school district shall be that of the parent or guardian.

72 (e) Any school district which accepts a student under  
73 the provisions of this subsection shall not assess any tuition  
74 fees upon such transferring student in accordance with the  
75 provisions of Section 37-19-27.

76 (3) Upon the petition in writing of any parent or legal  
77 guardian of a school-age child who is a resident of an adjacent  
78 school district residing in the geographical situation described  
79 in Section 37-15-29(3), the school board of the school district  
80 operating the school located in closer proximity to the residence  
81 of the child shall consent to the transfer of the child to its  
82 district, and shall spread the same upon the minutes of the board.  
83 Any such agreement by school boards for the legal transfer of a  
84 student under this subsection shall include a provision for the  
85 transportation of the student by either the transferor or the  
86 transferee school district. In the event that either the school  
87 board of the transferee or the transferor school district shall  
88 object to the transfer, it shall have the right to appeal to the  
89 State Board of Education whose decision shall be final. However,  
90 if the school boards agreeing on the legal transfer of any student  
91 shall fail to agree on which district shall provide  
92 transportation, the responsibility for transporting the student to

93 the transferee school district shall be that of the parent or  
94 guardian.

95 (4) Upon the petition in writing of any parent or legal  
96 guardian of a school-age child who was lawfully transferred to  
97 another school district prior to July 1, 1992, as described in  
98 Section 37-15-29(4), the school board of the transferee school  
99 district shall consent to the transfer of such child and the  
100 transfer of any school-age brother and sister of such child to its  
101 district, and shall spread the same upon the minutes of the board.

102 (5) (a) If the board of trustees of a municipal separate  
103 school district with added territory does not have a member who is  
104 a resident of the added territory outside the corporate limits,  
105 upon the petition in writing of any parent or legal guardian of a  
106 school-age child who is a resident of the added territory outside  
107 the corporate limits, the board of trustees of the municipal  
108 separate school district and the school board of the school  
109 district adjacent to the added territory shall consent to the  
110 transfer of the child from the municipal separate school district  
111 to the adjacent school district. The agreement must be spread  
112 upon the minutes of the board of trustees of the municipal  
113 separate school district and the school board of the adjacent  
114 school district. The agreement must provide for the  
115 transportation of the student. In the absence of such a  
116 provision, the parent or legal guardian shall be responsible for  
117 transporting the student to the adjacent school district. Any  
118 school district that accepts a student under this subsection may  
119 not assess any tuition fees against the transferring student.

120 (b) Before September 1 of each year, the board of  
121 trustees of the municipal separate school district shall certify  
122 to the State Department of Education the number of students in the  
123 added territory of the municipal separate school district who are  
124 transferred to the adjacent school district under this subsection.  
125 The municipal separate school district also shall certify the

126 total number of students in the school district residing in the  
127 added territory plus the number of those students who are  
128 transferred to the adjacent school district. Based upon these  
129 figures, the department shall calculate the percentage of the  
130 total number of students in the added territory who are  
131 transferred to the adjacent school district and shall certify this  
132 percentage to the levying authority for the municipal separate  
133 school district. The levying authority shall remit to the school  
134 board of the adjacent school district, from the proceeds of the ad  
135 valorem taxes collected for the support of the municipal separate  
136 school district from the added territory of the municipal separate  
137 school district, an amount equal to the percentage of the total  
138 number of students in the added territory who are transferred to  
139 the adjacent school district.

140 SECTION 2. This act shall take effect and be in force from  
141 and after July 1, 2001.