HOUSE BILL NO. 533

AN ACT TO AMEND SECTION 37-15-31, MISSISSIPPI CODE OF 1972, TO AUTHORIZE LICENSED SCHOOL EMPLOYEES WHO ARE NONRESIDENTS OF THE STATE TO ENROLL THEIR DEPENDENT SCHOOL-AGE CHILDREN IN THE MISSISSIPPI SCHOOL DISTRICT IN WHICH THEY ARE EMPLOYED; AND FOR RELATED PURPOSES.

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

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

37-15-31. (1) (a) Except as provided in subsections (2), (3) and (4) of this section, upon the petition in writing of a parent or guardian, resident of the school district of an individual student, filed or lodged with the president or secretary of the school board of a school district in which the pupil has been enrolled or is qualified to be enrolled as a student under Section 37-15-9, or upon the aforesaid petition or the initiative of the school board of a school district as to the transfer of a grade or grades, individual students living in one school district or a grade or grades of a school within the districts may be legally transferred to another school district, by the mutual consent of the school boards of all school districts concerned, with such consent to be given in writing and spread upon the minutes of such boards.

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(b) The school board of the transferring school district to which such petition may be addressed shall act thereon not later than its next regular meeting subsequent to the filing or lodging of the petition, and a failure to act within that time shall constitute a rejection of such request. The school board of
the other school district involved, the transferee board, ***
shall act on such request for transfer as soon as possible after
the transferor board shall have approved or rejected such transfer
and no later than the next regular meeting of the transferee
board ***, and a failure of such transferee board to act within
such time shall constitute a rejection of such request. If such a
transfer is approved by the transferee board, *** then such
decision shall be final. If such a transfer should be refused by
the school board of either school district ***, then such
decision shall be final.

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

(2) (a) Upon the petition in writing of any parent or
guardian who is a resident of Mississippi and is an instructional
or licensed employee of a school district, but not a resident of
such district, the school board of the employer school district
shall consent to the transfer of such employee's dependent
school-age children to its district and shall spread the same upon
the minutes of the board. Upon the petition in writing of any
parent or guardian who is not a resident of Mississippi and who
is an instructional or licensed employee of a school district in
Mississippi, the school board of the employer school district
shall consent to the transfer of such employee's dependent
school-age children to its district and shall spread the same upon
the minutes of the board.

(b) The school board of any school district may, in its
discretion, adopt a uniform policy to allow the enrollment and
attendance of the dependent children of noninstructional and
nonlicensed employees, who are residents of Mississippi but are
not residents of their district. Such policy shall be based upon
the employment needs of the district, implemented according to job
classification groups and renewed each school year.
(c) The employer transferee school district shall notify in writing the school district from which the pupil or pupils are transferring, and the school board of the transferor school district shall spread the same upon its minutes.

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

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

(3) Upon the petition in writing of any parent or legal guardian of a school-age child who is a resident of an adjacent school district residing in the geographical situation described in Section 37-15-29(3), the school board of the school district operating the school located in closer proximity to the residence of the child shall consent to the transfer of the child to its district, and shall spread the same upon the minutes of the board. Any such agreement by school boards for the legal transfer of a student under this subsection shall include a provision for the transportation of the student by either the transferor or the transferee school district. In the event that either the school board of the transferee or the transferor school district shall object to the transfer, it shall have the right to appeal to the State Board of Education, whose decision shall be final. However, if the school boards agreeing on the legal transfer of any student shall fail to agree on which district shall provide transportation, the responsibility for transporting the student to the transferee school district shall be that of the parent or guardian.
(4) Upon the petition in writing of any parent or legal guardian of a school-age child who was lawfully transferred to another school district prior to July 1, 1992, as described in Section 37-15-29(4), the school board of the transeree school district shall consent to the transfer of such child and the transfer of any school-age brother and sister of such child to its district, and shall spread the same upon the minutes of the board.

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