

By: Representatives Hamilton, Baker, Ellzey, Gadd, Moss, Pierce, Rushing, Scott (17th), Shows, Woods To: Education

HOUSE BILL NO. 533

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

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

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

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

23 * * *

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



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

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

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

55 (b) The school board of any school district may, in its
56 discretion, adopt a uniform policy to allow the enrollment and
57 attendance of the dependent children of noninstructional and
58 nonlicensed employees, who are residents of Mississippi but are
59 not residents of their district. Such policy shall be based upon
60 the employment needs of the district, implemented according to job
61 classification groups and renewed each school year.



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

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

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

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



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

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

