HOUSE BILL NO. 1278

AN ACT TO AMEND SECTION 37-15-9, MISSISSIPPI CODE OF 1972, TO REQUIRE LOCAL SCHOOL BOARDS TO ALLOW CERTAIN CHILDREN TO ENROLL IN THE FIRST GRADE BEFORE THEIR ATTAINING AGE SIX; AND FOR RELATED PURPOSES.

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

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

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

(2) Subject to the provisions of subsection (4) of this section, any child who transfers from an out-of-state public or private school in which that state's law provides for a first-grade or kindergarten enrollment date subsequent to September 1, shall be allowed to enroll in the public schools of Mississippi, at the same grade level as their prior out-of-state enrollment, if:
(a) The parent, legal guardian or custodian of such child was a legal resident of the state from which the child is transferring;

(b) The out-of-state school from which the child is transferring is duly accredited by that state's appropriate accrediting authority;

(c) Such child was legally enrolled in a public or private school for a minimum of four (4) weeks in the previous state; and

(d) The superintendent of schools in the applicable Mississippi school district has determined that the child was making satisfactory educational progress in the previous state.

(3) Upon the request of a child's parent, guardian or legal custodian, the school board of a local school district must administer an assessment to a child who will not reach his sixth birthday on or before September 1 of a forthcoming school year in order to determine the child's readiness to enroll in the first grade in that school year. The assessment must include, at a minimum, an examination of the child's cognitive skills. If, in the determination of the school district superintendent, the results of the assessment indicate that the child is ready to be enrolled in the first grade in the forthcoming school year, the school board must authorize the child's enrollment in that school district.

(4) When any child applies for admission or enrollment in any public school in the state, the parent, guardian or child, in the absence of an accompanying parent or guardian, shall indicate on the school registration form if the enrolling child has been expelled from any public or private school or is currently a party to an expulsion proceeding. If it is determined from the child's cumulative record or application for admission or enrollment that the child has been expelled, the school district may deny the student admission and enrollment until the superintendent of the district.
ST: First Grade; authorize enrollment of children under age 6 who pass assessment.

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

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