AN ACT TO REQUIRE ALL SCHOOL DISTRICTS TO IMPLEMENT A POLICY
OF OPEN ENROLLMENT WHICH ALLOWS STUDENTS, BEGINNING IN THE
2002-2003 SCHOOL YEAR, TO ATTEND ANY SCHOOL WITHIN A SCHOOL
DISTRICT; TO SPECIFY CERTAIN PROVISIONS THAT MUST BE INCLUDED IN
EACH SCHOOL DISTRICT'S OPEN ENROLLMENT POLICY; TO AMEND SECTIONS
IN CONFORMITY TO THE PROVISIONS OF THIS ACT; AND FOR RELATED
PURPOSES.

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

SECTION 1. (1) Each school district shall implement a
policy of open enrollment which allows the parent, guardian or
custodian of a student to apply for the student's enrollment at
any public school within the school district in which they reside.
Under the policy, the 2002-2003 school year will be the first year
that a student may attend a school other than the school serving
the attendance area in which the student resides.

(2) Before February 1, 2002, the school board of each school
district shall adopt an open enrollment policy that includes
provisions addressing the following matters:

(a) **Application process.** Each school district shall
prepare a uniform application form for each student seeking
enrollment in a school other than the school serving the
attendance area in which the student resides. The application
forms shall be made available to students in the principal's
office of each school. The open enrollment policy must specify
the date on which the application forms will be made available to
students and the deadline by which an application must be
submitted by a parent, guardian or custodian of a student to the
school at which the student is seeking enrollment.
(b) **Openings for nonresident students.** Each school shall establish the maximum number of students from outside the attendance area served by that school which may be enrolled in each particular grade or program in the school. These numbers shall be reported to the school district's administrative offices before the date on which applications are made available to students. A student who resides in a school's attendance area may not be displaced under any circumstances by a student applying for enrollment in that school from outside the school's attendance area.

(c) **Selection of students.** Each school shall select from the applicant pool those students who may be eligible to enroll in the school from outside the school's attendance area on a random basis. Applications may not be opened before their selection. The school shall select such students until the maximum number of openings is achieved.

(d) **Waiting list.** In addition to the students selected under paragraph (c) for enrollment from outside the school's attendance area, a number of students shall be selected for the purpose of establishing a waiting list. If those students originally selected do not choose to enroll in the school or are determined to be ineligible for enrollment, students from outside the school's attendance area will be offered the opportunity to enroll in the order that their names appear on the waiting list.

(e) **Notification.** The open enrollment policy must establish the date by which each school in the district must notify students applying to enroll in that school from outside the school's attendance area of their acceptance or nonacceptance in the selection process. The school district shall prepare a form for providing the notice.

(f) **Subsequent school years.** A student who is selected for enrollment in a school from outside the school's attendance area may remain enrolled in that school in subsequent school years.
without reapplying under the open enrollment policy. However, if the school reduces the maximum number of students which may be enrolled in a particular grade or program from outside the school's attendance area in a subsequent school year due to an increase in enrollment from within the school's attendance area, students enrolled in the school under the open enrollment policy will be subject to displacement, with those students most recently enrolled being subject to displacement first.

(g) **Return to original school.** A student attending a school under the open enrollment policy may enroll in the school serving the attendance area in which the student resides in between consecutive school years. However, if a student seeks to change his enrollment during a school year, the principal of both schools involved must approve of the change.

(h) **Transportation.** The parent, guardian or custodian of a student enrolled in a school other than the school serving the attendance area in which the student resides shall be responsible for transporting the student to and from school or a regular bus stop in that school's attendance area.

(3) A student attending a public school other than the school serving the attendance area in which the student resides shall have all of the rights and privileges and shall be subject to the same rules and regulations as students residing in that school's attendance area.

SECTION 2. Section 37-15-13, Mississippi Code of 1972, is amended as follows:

37-15-13. When any child qualified under the requirements of Section 37-15-9 shall apply or present himself for enrollment in or admission to the public schools of any school district of this state, the school board of such school district shall have the power and authority to designate the particular school or attendance center of the district in which such child shall be enrolled and which he shall attend; no enrollment of a child in a
school shall be final or permanent until such designation shall be
made by the school board. Except as otherwise provided in Section
1 of House Bill No. , 2001 Regular Session, no child shall be
entitled to attend any school or attendance center except that to
which he has been assigned by the school board; however, the
principal of a school or superintendent of the district *, * *, in
proper cases, may permit a child to attend a school temporarily
until a permanent assignment is made by the school board.

amended as follows:

37-15-15. (1) In making assignments of children to schools
or attendance centers, the school board shall take into
consideration the educational needs and welfare of the child
involved, the welfare and best interest of all the pupils
attending the school or schools involved, the availability of
school facilities, sanitary conditions and facilities at the
school or schools involved, health and moral factors at the school
or schools, and in the community involved, and all other factors
which the school board may consider pertinent, relevant or
material in their effect on the welfare and best interest of the
school district and the particular school or schools involved.
All such assignments shall be on an individual basis as to the
particular child involved and, in making such assignment, the
school board shall not be limited or circumscribed by the
boundaries of any attendance areas which may have been established
by such board.

(2) This section shall not affect the eligibility of a
student to enroll in a school other than the school serving the
attendance area in which the student resides under a school
district's open enrollment policy implemented pursuant to Section
1, House Bill No. , 2001 Regular Session.

SECTION 4. Section 37-15-17, Mississippi Code of 1972, is
amended as follows:

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37-15-17. (1) If the parent, guardian or other person having custody of any child shall feel aggrieved by the assignment of such child to a school or attendance center by the school board, then such parent, guardian or other person, at any time within thirty (30) days after such assignment, may make application in writing to the school board for a review or reconsideration of such assignment. Upon receiving any such application, the school board shall set a time and place for the hearing thereof which time shall be not more than fifteen (15) days after the regular meeting of the board next succeeding the date of the filing of the application. At the time and place so fixed, the person filing such application shall have the right to appear and present evidence in support of the application. After hearing the evidence, the school board shall determine whether the application is well taken and supported by the evidence and shall enter an order either affirming its previous action or modifying or changing same as the school board shall find proper.

(2) This section shall not authorize any parent, guardian or custodian aggrieved by the nonacceptance or displacement of his or her child at a particular school under the school district's open enrollment policy implemented pursuant to Section 1, House Bill No. , 2001 Regular Session, to apply to the school board for a review of a school's decision under the open enrollment policy.

SECTION 5. Section 37-15-21, Mississippi Code of 1972, is amended as follows:

37-15-21. (1) If any parent, guardian or other person having custody of any child affected by the assignment of such child to a school or attendance center by the school board shall feel aggrieved at the order of the school board provided for in Section 37-15-17, such person, at any time within thirty (30) days from the date of such order, may appeal therefrom by filing a petition for appeal in the circuit court of the county in which the school district involved is located. Upon the filing of
such petition for an appeal, process shall be issued for and
served upon the president of the school board of the school
district involved. Upon being served with process, it shall be the
duty of the school board to transmit promptly to the court a
certified copy of the entire record of the proceedings as shown by
the file of the school board. From the judgment of the circuit
court, an appeal may be taken to the Supreme Court in the same
manner as other appeals are taken from other judgments of such
court.

(2) This section shall not authorize any parent, guardian or
custodian aggrieved by the nonacceptance or displacement of his or
her child at a particular school under the school district's open
enrollment policy implemented pursuant to Section 1, House Bill
No. , 2001 Regular Session, to appeal the school's decision
under the open enrollment policy to the circuit court.

SECTION 6. Section 37-15-33, Mississippi Code of 1972, is
amended as follows:

37-15-33. All students seeking to transfer from any school, public or private, within or outside of the boundaries of the State of Mississippi, to a public school within the state may be required to take a test to determine the grade and class to which the pupil shall be assigned at the time of pupil transfer. The administrative head of each public school shall administer the test or tests to such pupil or pupils as shall apply for transfer to such public school. Such test or tests shall be administered within thirty (30) days after the filing of each such application for transfer. Notice of the giving of such test shall be given the applicant not less than five (5) days prior to the date of the administration of such test.

No transfer of a pupil shall be effected until the test has been given and the pupil is assigned according to the grade and class for which the test shows he is best suited. No pupil shall be assigned to a grade and class more than three (3) grades above
ST: Open enrollment; authorize students to attend any school within district.