

By: Representative Davis (By Request)

To: Education

HOUSE BILL NO. 207

1 AN ACT TO AMEND SECTIONS 37-15-29 AND 37-15-31, MISSISSIPPI
2 CODE OF 1972, TO AUTHORIZE CHILDREN OF ACTIVE DUTY MILITARY
3 PERSONNEL WHO OWN REAL PROPERTY IN MISSISSIPPI TO ATTEND SCHOOL IN
4 THE SCHOOL DISTRICT IN WHICH THE REAL PROPERTY IS SITUATED; AND
5 FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 37-15-29, Mississippi Code of 1972, is
8 amended as follows:

9 37-15-29. (1) Except as provided in subsections (2) through
10 (5) of this section, no minor child may enroll in or attend any
11 school except in the school district of his residence, unless such
12 child is lawfully transferred from the school district of his
13 residence to a school in another school district in accord with
14 the statutes of this state * * *.

15 (2) Those children whose parent(s) or legal guardian(s) are
16 instructional personnel or licensed employees of a school
17 district, at such employee's discretion, may enroll and attend the
18 school or schools of their parent's or legal guardian's employment
19 regardless of the residence of the child.

20 (3) No child shall be required to be transported in excess
21 of thirty (30) miles on a school bus from his or her home to
22 school, or in excess of thirty (30) miles from school to his or
23 her home, if there is another school in an adjacent school
24 district located on a shorter school bus transportation route by
25 the nearest traveled road. Those children residing in such
26 geographical situations * * *, at the discretion of their
27 parent(s) or legal guardian(s), may enroll and attend the nearer
28 school, regardless of the residence of the child. In the event



29 the parent or legal guardian of such child and the school board
30 are unable to agree on the school bus mileage required to
31 transport the child from his or her home to school, an appeal
32 shall lie to the State Board of Education, or its designee, whose
33 decision shall be final.

34 (4) Those children lawfully transferred from the school
35 district of his residence to a school in another school district
36 prior to July 1, 1992, * * * at the discretion of their parent(s)
37 or legal guardian(s), may continue to enroll and attend school in
38 the transferee school district. * * * The brother(s) and
39 sister(s) of those children lawfully transferred prior to July 1,
40 1992, * * * at the discretion of their parent(s) or legal
41 guardian(s), also may enroll and attend school in the transferee
42 school district.

43 (5) Any child having a parent or legal guardian who is on
44 active duty in the United States Armed Forces and who owns real
45 property within the State of Mississippi may enroll and attend
46 school, in the discretion of the child's parent or guardian, in
47 the school district in which the real property owned by the
48 military parent or guardian is situated, notwithstanding that the
49 parent or guardian is stationed and residing outside the
50 boundaries of that school district.

51 **SECTION 2.** Section 37-15-31, Mississippi Code of 1972, is
52 amended as follows:

53 37-15-31. (1) (a) Except as provided in subsections (2)
54 through (6) of this section, upon the petition in writing of a
55 parent or guardian resident of the school district of an
56 individual student filed or lodged with the president or secretary
57 of the school board of a school district in which the pupil has
58 been enrolled or is qualified to be enrolled as a student under
59 Section 37-15-9, or upon the aforesaid petition or the initiative
60 of the school board of a school district as to the transfer of a
61 grade or grades, individual students living in one school district



62 or a grade or grades of a school within the districts may be
63 legally transferred to another school district, by the mutual
64 consent of the school boards of all school districts concerned,
65 which consent must be given in writing and spread upon the minutes
66 of such boards.

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

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

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



95 school-age children to its district and shall spread the same upon
96 the minutes of the board.

97 (b) The school board of any school district, in its
98 discretion, may adopt a uniform policy to allow the enrollment and
99 attendance of the dependent children of noninstructional and
100 nonlicensed employees, who are residents of Mississippi but are
101 not residents of their district. Such policy shall be based upon
102 the employment needs of the district, implemented according to job
103 classification groups and renewed each school year.

104 (c) The employer transferee school district shall
105 notify in writing the school district from which the pupil or
106 pupils are transferring, and the school board of the transferor
107 school district shall spread the same upon its minutes.

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

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

118 (3) Upon the petition in writing of any parent or legal
119 guardian of a school-age child who is a resident of an adjacent
120 school district residing in the geographical situation described
121 in Section 37-15-29(3), the school board of the school district
122 operating the school located in closer proximity to the residence
123 of the child shall consent to the transfer of the child to its
124 district, and shall spread the same upon the minutes of the board.
125 Any such agreement by school boards for the legal transfer of a
126 student under this subsection shall include a provision for the
127 transportation of the student by either the transferor or the



128 transferee school district. In the event that either the school
129 board of the transferee or the transferor school district shall
130 object to the transfer, it shall have the right to appeal to the
131 State Board of Education whose decision shall be final. However,
132 if the school boards agreeing on the legal transfer of any
133 student * * * fail to agree on which district shall provide
134 transportation, the responsibility for transporting the student to
135 the transferee school district shall be that of the parent or
136 guardian.

137 (4) Upon the petition in writing of any parent or legal
138 guardian of a school-age child who was lawfully transferred to
139 another school district prior to July 1, 1992, as described in
140 Section 37-15-29(4), the school board of the transferee school
141 district shall consent to the transfer of such child and the
142 transfer of any school-age brother and sister of such child to its
143 district, and shall spread the same upon the minutes of the board.

144 (5) (a) If the board of trustees of a municipal separate
145 school district with added territory does not have a member who is
146 a resident of the added territory outside the corporate limits,
147 upon the petition in writing of any parent or legal guardian of a
148 school-age child who is a resident of the added territory outside
149 the corporate limits, the board of trustees of the municipal
150 separate school district and the school board of the school
151 district adjacent to the added territory shall consent to the
152 transfer of the child from the municipal separate school district
153 to the adjacent school district. The agreement must be spread
154 upon the minutes of the board of trustees of the municipal
155 separate school district and the school board of the adjacent
156 school district. The agreement must provide for the
157 transportation of the student. In the absence of such a
158 provision, the parent or legal guardian shall be responsible for
159 transporting the student to the adjacent school district. Any



160 school district that accepts a student under this subsection may
161 not assess any tuition fees against the transferring student.

162 (b) Before September 1 of each year, the board of
163 trustees of the municipal separate school district shall certify
164 to the State Department of Education the number of students in the
165 added territory of the municipal separate school district who are
166 transferred to the adjacent school district under this subsection.
167 The municipal separate school district also shall certify the
168 total number of students in the school district residing in the
169 added territory plus the number of those students who are
170 transferred to the adjacent school district. Based upon these
171 figures, the department shall calculate the percentage of the
172 total number of students in the added territory who are
173 transferred to the adjacent school district and shall certify this
174 percentage to the levying authority for the municipal separate
175 school district. The levying authority shall remit to the school
176 board of the adjacent school district, from the proceeds of the ad
177 valorem taxes collected for the support of the municipal separate
178 school district from the added territory of the municipal separate
179 school district, an amount equal to the percentage of the total
180 number of students in the added territory who are transferred to
181 the adjacent school district.

182 (6) Upon the petition in writing of any school-age child's
183 parent or legal guardian who is on active duty in the United
184 States Armed Forces and who owns real property within the State of
185 Mississippi, the school board of the school district in which the
186 real property of the military parent or guardian is situated shall
187 consent to the transfer of the school-age child, which consent
188 must be spread upon the minutes of the board. The school district
189 to which the child is transferred shall notify, in writing, the
190 school district from which the child is transferring, and the
191 school board of the transferor school district must spread consent
192 to the transfer upon its minutes. The responsibility for



193 transporting the child to and from school in the transferee school
194 district shall be that of the child's parent or legal guardian.

195 **SECTION 3.** This act shall take effect and be in force from
196 and after July 1, 2002.

