HOUSE BILL NO. 207

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

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

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

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

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

(3) No child shall be required to be transported in excess of thirty (30) miles on a school bus from his or her home to school, or in excess of thirty (30) miles from school to his or her home, if there is another school in an adjacent school district located on a shorter school bus transportation route by the nearest traveled road. Those children residing in such geographical situations, at the discretion of their parent(s) or legal guardian(s), may enroll and attend the nearer school, regardless of the residence of the child.
the parent or legal guardian of such child and the school board are unable to agree on the school bus mileage required to transport the child from his or her home to school, an appeal shall lie to the State Board of Education, or its designee, whose decision shall be final. (4) Those children lawfully transferred from the school district of his residence to a school in another school district prior to July 1, 1992, at the discretion of their parent(s) or legal guardian(s), may continue to enroll and attend school in the transeree school district. The brother(s) and sister(s) of those children lawfully transferred prior to July 1, 1992, at the discretion of their parent(s) or legal guardian(s), also may enroll and attend school in the transeree school district. (5) Any child having a parent or legal guardian who is on active duty in the United States Armed Forces and who owns real property within the State of Mississippi may enroll and attend school, in the discretion of the child's parent or guardian, in the school district in which the real property owned by the military parent or guardian is situated, notwithstanding that the parent or guardian is stationed and residing outside the boundaries of that school district.

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

37-15-31. (1) (a) Except as provided in subsections (2) through (6) 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, which consent must be given in writing and spread upon the minutes of such boards.

(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 is 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 and 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, in its
discretion, may 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 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 transferee 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.

(5) (a) If the board of trustees of a municipal separate school district with added territory does not have a member who is a resident of the added territory outside the corporate limits, upon the petition in writing of any parent or legal guardian of a school-age child who is a resident of the added territory outside the corporate limits, the board of trustees of the municipal separate school district and the school board of the school district adjacent to the added territory shall consent to the transfer of the child from the municipal separate school district to the adjacent school district. The agreement must be spread upon the minutes of the board of trustees of the municipal separate school district and the school board of the adjacent school district. The agreement must provide for the transportation of the student. In the absence of such a provision, the parent or legal guardian shall be responsible for transporting the student to the adjacent school district. Any
school district that accepts a student under this subsection may not assess any tuition fees against the transferring student.

(b) Before September 1 of each year, the board of trustees of the municipal separate school district shall certify to the State Department of Education the number of students in the added territory of the municipal separate school district who are transferred to the adjacent school district under this subsection. The municipal separate school district also shall certify the total number of students in the school district residing in the added territory plus the number of those students who are transferred to the adjacent school district. Based upon these figures, the department shall calculate the percentage of the total number of students in the added territory who are transferred to the adjacent school district and shall certify this percentage to the levying authority for the municipal separate school district. The levying authority shall remit to the school board of the adjacent school district, from the proceeds of the ad valorem taxes collected for the support of the municipal separate school district from the added territory of the municipal separate school district, an amount equal to the percentage of the total number of students in the added territory who are transferred to the adjacent school district.

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

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