To: Education

MISSISSIPPI LEGISLATURE REGULAR SESSION 2002
By: Representative Scott (17th)

HOUSE BILL NO. 466

AN ACT TO AMEND SECTION 37-15-31, MISSISSIPPI CODE OF 1972, TO PROHIBIT THE AUTOMATIC TRANSFER OF STUDENTS FROM A MUNICIPAL SCHOOL DISTRICT'S ADDED TERRITORY, WHEN THE ADDED TERRITORY HAS NO REPRESENTATION ON THE MUNICIPAL SCHOOL BOARD, TO THE ADJACENT SCHOOL DISTRICT IF THE TRANSFER WILL PLACE UNDUE HARDSHIP ON THE ADJACENT DISTRICT; AND FOR RELATED PURPOSES.

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

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

37-15-31. (1) (a) Except as provided in subsections (2) through (5) 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 transforee 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 should be 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, but 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

(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 unless the transfer, in the determination of the adjacent school district, will place an additional burden and undue hardship on the adjacent school district. An agreement entered into under this subsection must be spread upon the minutes of the board of trustees of the municipal separate school district and the 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.

SECTION 2. This act shall take effect and be in force from and after July 1, 2002.