HOUSE BILL NO. 604

AN ACT TO AMEND SECTION 37-15-9, MISSISSIPPI CODE OF 1972, TO AUTHORIZE CHILDREN TRANSFERRING TO PUBLIC SCHOOL FROM A PRIVATE SCHOOL WITHIN MISSISSIPPI TO ENROLL AT THEIR GRADE LEVEL IN THE PRIVATE SCHOOL REGARDLESS OF THEIR AGE; 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 subsection (2) and subject to the provision of subsection (3) 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 said 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 (3) of this section, any child who transfers from a private school or an out-of-state public 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 the child's grade level in the school from which the child is transferring, if:
(a) When the transfer is from a school outside of Mississippi, the parent, legal guardian or custodian of such child was a legal resident of the state from which the child is transferring;

(b) The school from which the child is transferring is duly accredited by the appropriate accrediting authority;

(c) Such child was legally enrolled in the public or private school from which the child is transferring for a minimum of four (4) weeks; 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 school.

(3) 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 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, 2002.