

By: Representative Reeves

To: Education

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1095

1 AN ACT TO AMEND SECTIONS 37-15-29 AND 37-15-31, MISSISSIPPI
2 CODE OF 1972, TO AUTHORIZE STUDENTS WHO RESIDE IN THE ADDED
3 TERRITORY OF A MUNICIPAL SEPARATE SCHOOL DISTRICT, OUTSIDE THE
4 CORPORATE LIMITS, TO CHOOSE TO ATTEND SCHOOL IN THE COUNTY SCHOOL
5 DISTRICT ADJACENT TO THE ADDED TERRITORY IF SUFFICIENT SPACE IS
6 AVAILABLE IN THE SCHOOL TO WHICH A STUDENT DESIRES TO TRANSFER;
7 AND FOR RELATED PURPOSES.

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

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

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

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

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



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

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

44 (5) Those children who reside in the added territory of a
45 municipal separate school district outside the corporate limits,
46 in the discretion of their parent or legal guardian, may enroll
47 and attend school in the county school district adjacent to the
48 added territory of the municipal separate school district if, in
49 the determination of the school board of the county school
50 district, sufficient space is available in the school to which a
51 child desires to transfer.

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

54 37-15-31. (1) (a) Except as provided in subsections (2)
55 through (5) of this section, upon the petition in writing of a
56 parent or guardian resident of the school district of an
57 individual student filed or lodged with the president or secretary
58 of the school board of a school district in which the pupil has
59 been enrolled or is qualified to be enrolled as a student under
60 Section 37-15-9, or upon the aforesaid petition or the initiative
61 of the school board of a school district as to the transfer of a
62 grade or grades, individual students living in one school district



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

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

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

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



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

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

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

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

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

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



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

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

145 (5) (a) * * * Upon the petition in writing of any parent or
146 legal guardian of a school-age child who is a resident of the
147 added territory of a municipal separate school district outside
148 the corporate limits, the board of trustees of the municipal
149 separate school district and the school board of the county school
150 district adjacent to the added territory shall consent to the
151 transfer of the child from the municipal separate school district
152 to the adjacent county school district if, in the determination of
153 the school board of the county school district, sufficient space
154 is available in the school to which the student desires to
155 transfer. The agreement must be spread upon the minutes of the
156 board of trustees of the municipal separate school district and
157 the school board of the adjacent county school district. The
158 agreement must provide for the transportation of the student. In
159 the absence of such a provision, the parent or legal guardian
160 shall be responsible for transporting the student to the adjacent
161 county school district. A school district required to accept a



162 student under this subsection may not assess any tuition fees
163 against the transferring student.

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

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

