

By: Representative Straughter

To: Education

HOUSE BILL NO. 1376

1 AN ACT TO AMEND SECTION 37-15-9, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE LOCAL SCHOOL BOARDS TO ALLOW CERTAIN CHILDREN TO ENROLL IN
3 THE FIRST GRADE BEFORE THEIR ATTAINING AGE SIX; AND FOR RELATED
4 PURPOSES.

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

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

8 37-15-9. (1) Except as provided in subsections (2) and (3)
9 and subject to the provisions of subsection (4) of this section,
10 no child shall be enrolled or admitted to any school which is a
11 part of the free public school system during any school year
12 unless such child will reach his sixth birthday on or before
13 September 1 of the school year. No pupil shall be permanently
14 enrolled in a school in the State of Mississippi who formerly was
15 enrolled in another public or private school within the state
16 until the cumulative record of the pupil shall have been received
17 from the school from which he transferred. Should such record
18 have become lost or destroyed, then it shall be the duty of the
19 superintendent or principal of the school where the pupil last
20 attended school to initiate a new record.

21 (2) Subject to the provisions of subsection (4) of this
22 section, any child who transfers from an out-of-state public or
23 private school in which that state's law provides for a
24 first-grade or kindergarten enrollment date subsequent to
25 September 1, shall be allowed to enroll in the public schools of
26 Mississippi, at the same grade level as their prior out-of-state
27 enrollment, if:



28 (a) The parent, legal guardian or custodian of such
29 child was a legal resident of the state from which the child is
30 transferring;

31 (b) The out-of-state school from which the child is
32 transferring is duly accredited by that state's appropriate
33 accrediting authority;

34 (c) Such child was legally enrolled in a public or
35 private school for a minimum of four (4) weeks in the previous
36 state; and

37 (d) The superintendent of schools in the applicable
38 Mississippi school district has determined that the child was
39 making satisfactory educational progress in the previous state.

40 (3) Upon the request of a child's parent, guardian or legal
41 custodian, the school board of a local school district must
42 administer an assessment to a child who will not reach his sixth
43 birthday on or before September 1 of a forthcoming school year in
44 order to determine the child's readiness to enroll in the first
45 grade in that school year. The assessment must include, at a
46 minimum, an examination of the child's cognitive skills. If, in
47 the determination of the school district superintendent, the
48 results of the assessment indicate that the child is ready to be
49 enrolled in the first grade in the forthcoming school year, the
50 school board must authorize the child's enrollment in that school
51 district.

52 (4) When any child applies for admission or enrollment in
53 any public school in the state, the parent, guardian or child, in
54 the absence of an accompanying parent or guardian, shall indicate
55 on the school registration form if the enrolling child has been
56 expelled from any public or private school or is currently a party
57 to an expulsion proceeding. If it is determined from the child's
58 cumulative record or application for admission or enrollment that
59 the child has been expelled, the school district may deny the
60 student admission and enrollment until the superintendent of the



61 school or his designee has reviewed the child's cumulative record
62 and determined that the child has participated in successful
63 rehabilitative efforts including, but not limited to, progress in
64 an alternative school or similar program. If the child is a party
65 to an expulsion proceeding, the child may be admitted to a public
66 school pending final disposition of the expulsion proceeding. If
67 the expulsion proceeding results in the expulsion of the child,
68 the public school may revoke such admission to school. If the
69 child was expelled or is a party to an expulsion proceeding for an
70 act involving violence, weapons, alcohol, illegal drugs or other
71 activity that may result in expulsion, the school district shall
72 not be required to grant admission or enrollment to the child
73 before one (1) calendar year after the date of the expulsion.

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

