

By: Senator(s) Horhn

To: Education

SENATE BILL NO. 2826

1 AN ACT TO AMEND SECTION 37-15-9, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT CERTAIN STUDENTS ATTENDING NONPUBLIC SCHOOLS SHALL BE
3 ALLOWED TO TRANSFER TO THE SAME GRADE LEVEL IN A PUBLIC SCHOOL IF
4 THE STUDENT HAS MADE A SATISFACTORY SCORE ON THE APPROPRIATE
5 ACHIEVEMENT TEST; AND FOR RELATED PURPOSES.

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

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

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

22 (2) Subject to the provisions of subsection (3) of this
23 section, any child who transfers from an out-of-state public or
24 private school in which that state's law provides for a
25 first-grade or kindergarten enrollment date subsequent to
26 September 1, shall be allowed to enroll in the public schools of
27 Mississippi, at the same grade level as their prior out-of-state
28 enrollment, if:



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

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

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

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

41 (3) When any child applies for admission or enrollment in
42 any public school in the state, the parent, guardian or child, in
43 the absence of an accompanying parent or guardian, shall indicate
44 on the school registration form if the enrolling child has been
45 expelled from any public or private school or is currently a party
46 to an expulsion proceeding. If it is determined from the child's
47 cumulative record or application for admission or enrollment that
48 the child has been expelled, the school district may deny the
49 student admission and enrollment until the superintendent of the
50 school or his designee has reviewed the child's cumulative record
51 and determined that the child has participated in successful
52 rehabilitative efforts including, but not limited to, progress in
53 an alternative school or similar program. If the child is a party
54 to an expulsion proceeding, the child may be admitted to a public
55 school pending final disposition of the expulsion proceeding. If
56 the expulsion proceeding results in the expulsion of the child,
57 the public school may revoke such admission to school. If the
58 child was expelled or is a party to an expulsion proceeding for an
59 act involving violence, weapons, alcohol, illegal drugs or other
60 activity that may result in expulsion, the school district shall



61 not be required to grant admission or enrollment to the child
62 before one (1) calendar year after the date of the expulsion.

63 (4) Subject to the provisions of subsection (3) of this
64 section, any child who transfers from a nonpublic school to a
65 public school in this state shall be tested in compliance with
66 Section 37-15-33. Grade placement shall be based upon appropriate
67 test results and educational needs of the student. If the child
68 is seeking transfer from a nonpublic school into the first grade,
69 the child may enroll in the public schools of Mississippi at the
70 same grade level as their prior nonpublic school enrollment, if
71 the child's sixth birthday is before November 1 and the child had
72 been enrolled in the nonpublic school for a minimum of four (4)
73 weeks.

74 **SECTION 2.** This act shall take effect and be in force from
75 and after July 1, 2003.

