

By: Representative Fleming

To: Education

## HOUSE BILL NO. 245

1 AN ACT TO AMEND SECTION 37-15-29, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT A STUDENT MAY ATTEND A SCHOOL IN A DIFFERENT  
3 SCHOOL DISTRICT IF HIS OR HER PARENT IS PURCHASING A RESIDENCE  
4 THERE WITH A CLOSING PURCHASE DATE WITHIN FOUR MONTHS OF THE  
5 BEGINNING OF THE SCHOOL YEAR; AND FOR RELATED PURPOSES.

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

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

9 37-15-29. (1) Except as provided in subsections (2) through  
10 (5) of this section, no minor child may enroll in or attend any  
11 school except in the school district of his residence, unless such  
12 child be lawfully transferred from the school district of his  
13 residence to a school in another school district in accord with  
14 the statutes of this state now in effect or which may be hereafter  
15 enacted.

16 (2) Those children whose parent(s) or legal guardian(s) are  
17 instructional personnel or certificated employees of a school  
18 district may at such employee's discretion enroll and attend the  
19 school or schools of their parent's or legal guardian's employment  
20 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 may, at the discretion of their parent(s)  
28 or legal guardian(s), enroll and attend the nearer school,

29 regardless of the residence of the child. In the event the parent  
30 or legal guardian of such child and the school board are unable to  
31 agree on the school bus mileage required to transport the child  
32 from his or her home to school, an appeal shall lie to the State  
33 Board of Education, or its designee, whose decision shall be  
34 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, may, at the discretion of their parent(s)  
38 or legal guardian(s), continue to enroll and attend school in the  
39 transferee school district. Provided further, that the brother(s)  
40 and sister(s) of said children lawfully transferred prior to July  
41 1, 1992, may also, at the discretion of their parent(s) or legal  
42 guardian(s), enroll and attend school in the transferee school  
43 district.

44 (5) (a) Any child whose residence will lawfully change from  
45 one (1) school district to another school district during a school  
46 year due to his or her parent purchasing a residence in the other  
47 district shall have the option, in the discretion of the child's  
48 parent, of enrolling in and attending the appropriate attendance  
49 center in the district where the parent is purchasing the  
50 residence, even if the parent and child do not reside in that  
51 residence by the beginning of the school year. In order to  
52 exercise the option under this section, the closing date of the  
53 purchase of the residence in the other district must be within  
54 four (4) months of the beginning of the school year.

55 (b) The school board of the district in which the  
56 parent is purchasing a residence may require the parent to provide  
57 documentation satisfactory to the board that shows the pending  
58 purchase and location of the residence.

59 **SECTION 2.** This act shall take effect and be in force from  
60 and after July 1, 2004.