

By: Representatives Straughter, Broomfield,  
Buck, Flaggs, Green, Middleton, Robinson  
(63rd), West, Whittington

To: Education

HOUSE BILL NO. 1158

1 AN ACT TO AMEND SECTION 37-15-9, MISSISSIPPI CODE OF 1972, TO  
2 REQUIRE SCHOOL BOARDS TO ALLOW A CHILD UNDER AGE SIX TO ENROLL IN  
3 FIRST GRADE IF THAT CHILD SUCCESSFULLY PERFORMS ON AN ACHIEVEMENT  
4 TEST; AND FOR RELATED 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 subsection (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 kindergarten which  
11 is a part of the free public school system during any school year  
12 unless such child will reach his fifth birthday on or before  
13 September 1 of the school year, and no child shall be enrolled or  
14 admitted to the first grade in any school which is a part of the  
15 free public school system during any school year unless such child  
16 will reach his sixth birthday on or before September 1 of the  
17 school year. No pupil shall be permanently enrolled in a school  
18 in the State of Mississippi who formerly was enrolled in another  
19 public or private school within the state until the cumulative  
20 record of the pupil shall have been received from the school from  
21 which he transferred. Should such record have become lost or  
22 destroyed, then it shall be the duty of the superintendent or  
23 principal of the school where the pupil last attended school to  
24 initiate a new record.

25 (2) Subject to the provisions of subsection (3) of this  
26 section, any child who transfers from an out-of-state public or  
27 private school in which that state's law provides for a  
28 first-grade or kindergarten enrollment date subsequent to

29 September 1, shall be allowed to enroll in the public schools of  
30 Mississippi, at the same grade level as their prior out-of-state  
31 enrollment, if:

32 (a) The parent, legal guardian or custodian of such  
33 child was a legal resident of the state from which the child is  
34 transferring;

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

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

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

44 (3) Upon the request of a child's parent, guardian or legal  
45 custodian, the school board of a school district must administer  
46 an achievement test to a child, whose birthday is between  
47 September 2 and December 31, in order to determine the child's  
48 readiness to enroll in the first grade in that school year. The  
49 achievement test must include, at a minimum, an examination of the  
50 child's cognitive skills. If the child successfully performs on  
51 the achievement test, then the school board shall enroll that  
52 child in the school district.

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

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

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