

By: Senator(s) Horhn

To: Education

## SENATE BILL NO. 2348

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

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

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

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

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

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

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

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

62 admission to school. If the child was expelled or is a party to  
63 an expulsion proceeding for an act involving violence, weapons,  
64 alcohol, illegal drugs or other activity that may result in  
65 expulsion, the school district shall not be required to grant  
66 admission or enrollment to the child before one (1) calendar year  
67 after the date of the expulsion.

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

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