

By: Representative Fleming

To: Education

HOUSE BILL NO. 10

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, 2005.