

By: Senator(s) Horhn

To: Education

SENATE BILL NO. 2536

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, 2005.