

By: Representatives Lott, Cummings, Moore,
Moss, Staples

To: Education

HOUSE BILL NO. 1072

1 AN ACT TO AMEND SECTION 37-15-1, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE EACH CHILD ENROLLING IN THE PUBLIC SCHOOLS TO PRESENT A
3 CERTIFIED COPY OF THE CHILD'S BIRTH CERTIFICATE UPON ENROLLMENT,
4 TO REQUIRE THE PARENT, GUARDIAN OR LEGAL CUSTODIAN OF A CHILD BORN
5 OUTSIDE THE UNITED STATES TO PRESENT EVIDENCE TO THE SCHOOL OF THE
6 LEGAL IMMIGRATION OR CITIZENSHIP STATUS OF THE PARENT, GUARDIAN OR
7 LEGAL CUSTODIAN, AND TO REQUIRE SCHOOLS TO REPORT THE NAMES AND
8 ADDRESSES OF PERSONS FAILING TO PROVIDE SUCH EVIDENCE TO THE
9 MISSISSIPPI OFFICE OF UNITED STATES CITIZENSHIP AND IMMIGRATION
10 SERVICES; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 37-15-1, Mississippi Code of 1972, is
13 amended as follows:

14 37-15-1. (1) The State Board of Education shall prepare and
15 provide necessary forms for keeping permanent records and
16 cumulative folders for each pupil in the public schools of the
17 state. In the permanent record and cumulative folders, the
18 teachers and principals shall keep: information concerning the
19 pupil's date of birth, as verified by the documentation authorized
20 in this section; a certified copy of the pupil's birth
21 certificate; if the pupil was not born in the United States,
22 documentation of the legal immigration or citizenship status of
23 the pupil's parent, guardian or legal custodian; the pupil's
24 record of attendance and grades; and information relating to the
25 pupil's withdrawal from the school, including the date of any
26 expulsion from the school system and a description of the
27 student's act or behavior resulting in the expulsion. The records
28 also shall contain information pertaining to immunization and such
29 other information as the State Board of Education may prescribe.
30 The cumulative folder, in addition to that information maintained

31 in the permanent records, also shall contain such other
32 information as the State Board of Education shall prescribe.

33 (2) It is the responsibility of the person in charge of each
34 school to enforce the requirement for evidence of the age of each
35 pupil before enrollment. If the first prescribed evidence of age
36 is not available, the next evidence obtainable in the order set
37 forth below shall be accepted for evidence of age purposes:

38 (a) A certified birth certificate;

39 (b) A duly attested transcript of a certificate of
40 baptism showing the date of birth and place of baptism of the
41 child, accompanied by an affidavit sworn to by a parent,
42 grandparent or custodian;

43 (c) An insurance policy on the child's life which has
44 been in force for at least two (2) years;

45 (d) A bona fide contemporary Bible record of the
46 child's birth accompanied by an affidavit sworn to by the parent,
47 grandparent or custodian;

48 (e) A passport or certificate of arrival in the United
49 States showing the age of the child;

50 (f) A transcript of record of age shown in the child's
51 school record of at least four (4) years prior to application,
52 stating date of birth; or

53 (g) If none of these evidences can be produced, an
54 affidavit of age sworn to by a parent, grandparent or custodian.
55 Any child enrolling in kindergarten or Grade 1 shall present the
56 required evidence of age upon enrollment. Any child in Grades 2
57 through 12 not in compliance at the end of sixty (60) days from
58 enrollment shall be suspended until in compliance.

59 (3) A child enrolling in kindergarten or any grade in a
60 public school in this state must present a certified copy of the
61 child's birth certificate upon enrollment. If the birth
62 certificate indicates that the child was born outside the United
63 States, a parent, guardian or legal custodian of the child must

64 present to the school, within thirty (30) days of the date of the
65 child's enrollment, evidence of the legal immigration or
66 citizenship status of the child's parent, guardian or legal
67 custodian. A school may not prohibit a child from enrolling
68 because of the failure of a parent, guardian or legal custodian to
69 comply with this subsection; however, the school shall report the
70 names and addresses of all such persons to the Mississippi Office
71 of United States Citizenship and Immigration Services.

72 (4) This section shall stand repealed on July 1, 2007.

73 **SECTION 2.** This act shall take effect and be in force from
74 and after July 1, 2006.