

By: Senator(s) Chaney

To: Education

SENATE BILL NO. 2952

1 AN ACT TO AMEND SECTION 37-15-9, MISSISSIPPI CODE OF 1972, TO
2 ALLOW THE PARENT OR GUARDIAN TO DETERMINE IF HIS OR HER CHILD IS
3 DEVELOPMENTALLY PREPARED TO ENROLL IN PUBLIC KINDERGARTEN OR THE
4 FIRST GRADE; 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
9 subject to the provisions of subsections (3) and (4) of this
10 section, no child shall be enrolled or admitted to any
11 kindergarten which is a part of the free public school system
12 during any school year unless such child will reach his fifth
13 birthday on or before September 1 of said school year, and no
14 child shall be enrolled or admitted to the first grade in any
15 school which is a part of the free public school system during any
16 school year unless such child will reach his sixth birthday on or
17 before September 1 of said school year. No pupil shall be
18 permanently enrolled in a school in the State of Mississippi who
19 formerly was enrolled in another public or private school within
20 the state until the cumulative record of the pupil shall have been
21 received from the school from which he transferred. Should such
22 record have become lost or destroyed, then it shall be the duty of
23 the superintendent or principal of the school where the pupil last
24 attended school to initiate a new record.

25 (2) Any child who will reach his fifth birthday on or before
26 January 1 of said school year shall be allowed to enroll in
27 kindergarten if the parent or legal guardian certifies in writing
28 to the local superintendent that the child is developmentally

29 prepared to enter kindergarten. In addition, any child who will
30 reach his sixth birthday on or before January 1 of said school
31 year shall be allowed to enroll in the first grade if the parent
32 or legal guardian certifies in writing to the local superintendent
33 that the child is developmentally prepared to enter first grade.

34 (3) Subject to the provisions of subsection (4) of this
35 section, any child who transfers from an out-of-state public or
36 private school in which that state's law provides for a
37 first-grade or kindergarten enrollment date subsequent to
38 September 1, shall be allowed to enroll in the public schools of
39 Mississippi, at the same grade level as their prior out-of-state
40 enrollment, if:

41 (a) The parent, legal guardian or custodian of such
42 child was a legal resident of the state from which the child is
43 transferring;

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

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

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

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, 2006.