

**Adopted
AMENDMENT NO 1 PROPOSED TO**

Cmte Sub for Senate Bill No. 2704

BY: Senator(s) Brown

1 **AMEND by inserting the following after line 49 and**
2 **renumbering sections accordingly:**

3 (5) Those children whose parent(s) or legal guardian(s) are
4 members of the United States Armed Forces or Mississippi National
5 Guard on extended active duty and stationed within the State of
6 Mississippi and who reside on a military installation, may, at the
7 discretion of such parent or guardian, enroll and attend the
8 school or schools of another school district located in the county
9 in which such parent or guardian is stationed.

10 **SECTION 2.** Section 37-15-31, Mississippi Code of 1972, is
11 amended as follows:

12 37-15-31. (1) (a) Except as provided in subsections (2)
13 through (5) of this section, upon the petition in writing of a
14 parent or guardian resident of the school district of an
15 individual student filed or lodged with the president or secretary
16 of the school board of a school district in which the pupil has
17 been enrolled or is qualified to be enrolled as a student under
18 Section 37-15-9, or upon the aforesaid petition or the initiative
19 of the school board of a school district as to the transfer of a
20 grade or grades, individual students living in one school district
21 or a grade or grades of a school within the districts may be
22 legally transferred to another school district, by the mutual
23 consent of the school boards of all school districts concerned,

24 which consent must be given in writing and spread upon the minutes
25 of such boards.

26 (b) The school board of the transferring school
27 district to which such petition may be addressed shall act thereon
28 not later than its next regular meeting subsequent to the filing
29 or lodging of the petition, and a failure to act within that time
30 shall constitute a rejection of such request. The school board of
31 the other school district involved (the transferee board) shall
32 act on such request for transfer as soon as possible after the
33 transferor board shall have approved or rejected such transfer and
34 no later than the next regular meeting of the transferee board,
35 and a failure of such transferee board to act within such time
36 shall constitute a rejection of such request. If such a transfer
37 is approved by the transferee board, then such decision shall be
38 final. If such a transfer should be refused by the school board
39 of either school district, then such decision shall be final.

40 (c) Any legal guardianship formed for the purpose of
41 establishing residency for school district attendance purposes
42 shall not be recognized by the affected school board.

43 (2) (a) Upon the petition in writing of any parent or
44 guardian who is a resident of Mississippi and is an instructional
45 or licensed employee of a school district, but not a resident of
46 such district, the school board of the employer school district
47 shall consent to the transfer of such employee's dependent
48 school-age children to its district and shall spread the same upon
49 the minutes of the board. Upon the petition in writing of any
50 parent or guardian who is not a resident of Mississippi and who is
51 an instructional or licensed employee of a school district in
52 Mississippi, the school board of the employer school district
53 shall consent to the transfer of such employee's dependent
54 school-age children to its district and shall spread the same upon
55 the minutes of the board.

56 (b) The school board of any school district, in its
57 discretion, may adopt a uniform policy to allow the enrollment and
58 attendance of the dependent children of noninstructional and
59 nonlicensed employees, who are residents of Mississippi but are
60 not residents of their district. Such policy shall be based upon
61 the employment needs of the district, implemented according to job
62 classification groups and renewed each school year.

63 (c) The employer transferee school district shall
64 notify in writing the school district from which the pupil or
65 pupils are transferring, and the school board of the transferor
66 school district shall spread the same upon its minutes.

67 (d) Any such agreement by school boards for the legal
68 transfer of a student shall include a provision providing for the
69 transportation of the student. In the absence of such a provision
70 the responsibility for transporting the student to the transferee
71 school district shall be that of the parent or guardian.

72 (e) Any school district which accepts a student under
73 the provisions of this subsection shall not assess any tuition
74 fees upon such transferring student in accordance with the
75 provisions of Section 37-19-27.

76 (3) Upon the petition in writing of any parent or legal
77 guardian of a school-age child who is a resident of an adjacent
78 school district residing in the geographical situation described
79 in Section 37-15-29(3), the school board of the school district
80 operating the school located in closer proximity to the residence
81 of the child shall consent to the transfer of the child to its
82 district, and shall spread the same upon the minutes of the board.
83 Any such agreement by school boards for the legal transfer of a
84 student under this subsection shall include a provision for the
85 transportation of the student by either the transferor or the
86 transferee school district. In the event that either the school
87 board of the transferee or the transferor school district shall

88 object to the transfer, it shall have the right to appeal to the
89 State Board of Education whose decision shall be final. However,
90 if the school boards agreeing on the legal transfer of any student
91 shall fail to agree on which district shall provide
92 transportation, the responsibility for transporting the student to
93 the transferee school district shall be that of the parent or
94 guardian.

95 (4) Upon the petition in writing of any parent or legal
96 guardian of a school-age child who was lawfully transferred to
97 another school district prior to July 1, 1992, as described in
98 Section 37-15-29(4), the school board of the transferee school
99 district shall consent to the transfer of such child and the
100 transfer of any school-age brother and sister of such child to its
101 district, and shall spread the same upon the minutes of the board.

102 (5) (a) If the board of trustees of a municipal separate
103 school district with added territory does not have a member who is
104 a resident of the added territory outside the corporate limits,
105 upon the petition in writing of any parent or legal guardian of a
106 school-age child who is a resident of the added territory outside
107 the corporate limits, the board of trustees of the municipal
108 separate school district and the school board of the school
109 district adjacent to the added territory shall consent to the
110 transfer of the child from the municipal separate school district
111 to the adjacent school district. The agreement must be spread
112 upon the minutes of the board of trustees of the municipal
113 separate school district and the school board of the adjacent
114 school district. The agreement must provide for the
115 transportation of the student. In the absence of such a
116 provision, the parent or legal guardian shall be responsible for
117 transporting the student to the adjacent school district. Any
118 school district that accepts a student under this subsection may
119 not assess any tuition fees against the transferring student.

120 (b) Before September 1 of each year, the board of
121 trustees of the municipal separate school district shall certify
122 to the State Department of Education the number of students in the
123 added territory of the municipal separate school district who are
124 transferred to the adjacent school district under this subsection.
125 The municipal separate school district also shall certify the
126 total number of students in the school district residing in the
127 added territory plus the number of those students who are
128 transferred to the adjacent school district. Based upon these
129 figures, the department shall calculate the percentage of the
130 total number of students in the added territory who are
131 transferred to the adjacent school district and shall certify this
132 percentage to the levying authority for the municipal separate
133 school district. The levying authority shall remit to the school
134 board of the adjacent school district, from the proceeds of the ad
135 valorem taxes collected for the support of the municipal separate
136 school district from the added territory of the municipal separate
137 school district, an amount equal to the percentage of the total
138 number of students in the added territory who are transferred to
139 the adjacent school district.

140 (6) Upon the petition in writing of any parent or guardian
141 who is a member of the United States Armed Forces or Mississippi
142 National Guard on extended active duty and stationed within the
143 State of Mississippi and who reside on a military installation,
144 the school board of any other school district located within the
145 county in which the parent or guardian is stationed shall consent
146 to the transfer of such parent or guardian's dependent school-age
147 child(ren) to its district and shall spread the same upon the
148 minutes of the board. The school board of the transferee school
149 district shall notify in writing the school district from which
150 the student(s) is(are) transferring, and the school board of the
151 transferor school district shall consent to the transfer and

152 spread the same upon its minutes. Any such agreement by such
153 school boards for the legal transfer of a student under this
154 subsection (6) shall include a provision providing for the
155 transportation of the student. In the absence of such a provision
156 the responsibility for transporting the student to the transferee
157 school district shall be that of the parent or guardian. Any
158 school district which accepts a student under the provisions of
159 this subsection (6) shall not assess any tuition fees upon such
160 transferring student. The school board of any school district
161 may, in its discretion, adopt a uniform policy to allow the
162 enrollment and attendance of the dependent children of military
163 personnel who are residents of Mississippi but are not residents
164 of their district, based upon the employment needs of the
165 district.

166 **FURTHER, AMEND the title to conform.**