

**Adopted
AMENDMENT NO 2 PROPOSED TO**

Cmte Sub for Senate Bill No. 2704

BY: Senator(s) Jackson (15th), Burton

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

3 () Those students with a disability who are not receiving
4 services in a least restrictive educational environment agreed to
5 in the student's individual education plan in accordance with
6 federal requirements. The parent or legal guardian of such
7 student may choose, as an alternative, to enroll the student in a
8 public school in another school district which has available space
9 and has a program with the services agreed to in the student's
10 individual education plan already in place, and that school
11 district shall accept the student and report the student for
12 purposes of the district's funding pursuant to the Mississippi
13 Adequate Education Program. Transportation of such student shall
14 be the responsibility of the transferring school district.

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

17 37-15-31. (1) (a) Except as provided in subsections (2)
18 through (5) of this section, upon the petition in writing of a
19 parent or guardian resident of the school district of an
20 individual student filed or lodged with the president or secretary
21 of the school board of a school district in which the pupil has
22 been enrolled or is qualified to be enrolled as a student under
23 Section 37-15-9, or upon the aforesaid petition or the initiative

24 of the school board of a school district as to the transfer of a
25 grade or grades, individual students living in one school district
26 or a grade or grades of a school within the districts may be
27 legally transferred to another school district, by the mutual
28 consent of the school boards of all school districts concerned,
29 which consent must be given in writing and spread upon the minutes
30 of such boards.

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

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

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

56 an instructional or licensed employee of a school district in
57 Mississippi, the school board of the employer school district
58 shall consent to the transfer of such employee's dependent
59 school-age children to its district and shall spread the same upon
60 the minutes of the board.

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

68 (c) The employer transferee school district shall
69 notify in writing the school district from which the pupil or
70 pupils are transferring, and the school board of the transferor
71 school district shall spread the same upon its minutes.

72 (d) Any such agreement by school boards for the legal
73 transfer of a student shall include a provision providing for the
74 transportation of the student. In the absence of such a provision
75 the responsibility for transporting the student to the transferee
76 school district shall be that of the parent or guardian.

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

81 (3) Upon the petition in writing of any parent or legal
82 guardian of a school-age child who is a resident of an adjacent
83 school district residing in the geographical situation described
84 in Section 37-15-29(3), the school board of the school district
85 operating the school located in closer proximity to the residence
86 of the child shall consent to the transfer of the child to its
87 district, and shall spread the same upon the minutes of the board.

88 Any such agreement by school boards for the legal transfer of a
89 student under this subsection shall include a provision for the
90 transportation of the student by either the transferor or the
91 transferee school district. In the event that either the school
92 board of the transferee or the transferor school district shall
93 object to the transfer, it shall have the right to appeal to the
94 State Board of Education whose decision shall be final. However,
95 if the school boards agreeing on the legal transfer of any student
96 shall fail to agree on which district shall provide
97 transportation, the responsibility for transporting the student to
98 the transferee school district shall be that of the parent or
99 guardian.

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

107 (5) (a) If the board of trustees of a municipal separate
108 school district with added territory does not have a member who is
109 a resident of the added territory outside the corporate limits,
110 upon the petition in writing of any parent or legal guardian of a
111 school-age child who is a resident of the added territory outside
112 the corporate limits, the board of trustees of the municipal
113 separate school district and the school board of the school
114 district adjacent to the added territory shall consent to the
115 transfer of the child from the municipal separate school district
116 to the adjacent school district. The agreement must be spread
117 upon the minutes of the board of trustees of the municipal
118 separate school district and the school board of the adjacent
119 school district. The agreement must provide for the

120 transportation of the student. In the absence of such a
121 provision, the parent or legal guardian shall be responsible for
122 transporting the student to the adjacent school district. Any
123 school district that accepts a student under this subsection may
124 not assess any tuition fees against the transferring student.

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

145 (6) Upon the petition in writing of any parent or guardian
146 of a student with a disability who is not receiving service in a
147 least restrictive environment agreed to in the student's
148 individual education plan in accordance with federal law, the
149 school board of another school district which has available space
150 and has a program with the services agreed to in the student's
151 individual education plan already in place shall consent to the

152 transfer of such student to its district. The school board of the
153 transferee school district shall notify in writing the school
154 district from which the student(s) is(are) transferring, and the
155 school board of the transferor school district shall consent to
156 the transfer and spread the same upon its minutes. Any such
157 agreement by such school boards for the legal transfer of a
158 student under this subsection (6) shall include a provision
159 providing for the transportation of the student. In the absence
160 of such a provision the responsibility for transporting the
161 student to the transferee school district shall be that of the
162 transferor school district. Any school district which accepts a
163 student under the provisions of this subsection (6) shall not
164 assess any tuition fees upon such transferring student.

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