

By: Representative Brown

To: Education

## HOUSE BILL NO. 334

1 AN ACT TO AMEND SECTION 37-15-9, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE THE ENROLLMENT IN KINDERGARTEN AND FIRST GRADE OF  
3 CERTAIN CHILDREN WHO HAVE NOT ATTAINED THE MINIMUM AGE  
4 REQUIREMENTS FOR PUBLIC SCHOOL ENROLLMENT WHEN SUCH CHILDREN ARE  
5 PLACED IN CUSTODY IN MISSISSIPPI DUE TO THE MILITARY DEPLOYMENT OF  
6 THEIR PARENTS; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 37-15-9, Mississippi Code of 1972, is  
9 amended as follows:

10 37-15-9. (1) Except as provided in subsections (2) and (3)  
11 and subject to the provisions of subsection (4) of this section,  
12 no child shall be enrolled or admitted to any kindergarten which  
13 is a part of the free public school system during any school year  
14 unless such child will reach his fifth birthday on or before  
15 September 1 of that school year, and no child shall be enrolled or  
16 admitted to the first grade in any school which is a part of the  
17 free public school system during any school year unless such child  
18 will reach his sixth birthday on or before September 1 of that  
19 school year. No pupil shall be permanently enrolled in a school  
20 in the State of Mississippi who formerly was enrolled in another  
21 public or private school within the state until the cumulative  
22 record of the pupil shall have been received from the school from  
23 which he transferred. Should such record have become lost or  
24 destroyed, then it shall be the duty of the superintendent or  
25 principal of the school where the pupil last attended school to  
26 initiate a new record.

27 (2) If a child who has never been enrolled in kindergarten  
28 or first grade is placed in the legal custody of a resident of the  
29 State of Mississippi while the child's parents or legal guardians

30 are deployed as members of the United States Armed Forces, the  
31 child may enroll in kindergarten or first grade in a public school  
32 in this state, notwithstanding that the child has not attained the  
33 age required under subsection (1) of this section, if the laws of  
34 the state where the child's parents or legal guardians are  
35 classified as legal residents provide for enrollment in  
36 kindergarten or first grade at a younger age and the child  
37 satisfies the requirements for enrollment in that state. If such  
38 a child has enrolled in an out-of-state school before being placed  
39 in the legal custody of a resident of the State of Mississippi,  
40 the transfer of the child to a public school in Mississippi shall  
41 be governed by subsection (3) of this section.

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

49           (a) The parent, legal guardian or custodian of such  
50 child was a legal resident of the state from which the child is  
51 transferring;

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

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

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

61       (4) When any child applies for admission or enrollment in  
62 any public school in the state, the parent, guardian or child, in

63 the absence of an accompanying parent or guardian, shall indicate  
64 on the school registration form if the enrolling child has been  
65 expelled from any public or private school or is currently a party  
66 to an expulsion proceeding. If it is determined from the child's  
67 cumulative record or application for admission or enrollment that  
68 the child has been expelled, the school district may deny the  
69 student admission and enrollment until the superintendent of the  
70 school, or his designee, has reviewed the child's cumulative  
71 record and determined that the child has participated in  
72 successful rehabilitative efforts including, but not limited to,  
73 progress in an alternative school or similar program. If the  
74 child is a party to an expulsion proceeding, the child may be  
75 admitted to a public school pending final disposition of the  
76 expulsion proceeding. If the expulsion proceeding results in the  
77 expulsion of the child, the public school may revoke such  
78 admission to school. If the child was expelled or is a party to  
79 an expulsion proceeding for an act involving violence, weapons,  
80 alcohol, illegal drugs or other activity that may result in  
81 expulsion, the school district shall not be required to grant  
82 admission or enrollment to the child before one (1) calendar year  
83 after the date of the expulsion.

84       **SECTION 2.** This act shall take effect and be in force from  
85 and after July 1, 2007.