

By: Representative Straughter

To: Education

## HOUSE BILL NO. 1051

1 AN ACT TO AMEND SECTION 37-15-9, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE LOCAL SCHOOL BOARDS TO ALLOW CERTAIN CHILDREN WHO  
3 PERFORM SUCCESSFULLY ON AN ACHIEVEMENT TEST TO ENROLL IN THE FIRST  
4 GRADE BEFORE THEIR ATTAINING AGE SIX; 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 subsections (2) and (3)  
9 and subject to the provisions of subsection (4) of this section,  
10 no child shall be enrolled or admitted to any kindergarten which  
11 is a part of the free public school system during any school year  
12 unless such child will reach his fifth birthday on or before  
13 September 1 of that school year, and no child shall be enrolled or  
14 admitted to the first grade in any school which is a part of the  
15 free public school system during any school year unless such child  
16 will reach his sixth birthday on or before September 1 of that  
17 school year. No pupil shall be permanently enrolled in a school  
18 in the State of Mississippi who formerly was enrolled in another  
19 public or private school within the state until the cumulative  
20 record of the pupil shall have been received from the school from  
21 which he transferred. Should such record have become lost or  
22 destroyed, then it shall be the duty of the superintendent or  
23 principal of the school where the pupil last attended school to  
24 initiate a new record.

25 (2) Subject to the provisions of subsection (4) of this  
26 section, any child who transfers from an out-of-state public or  
27 private school in which that state's law provides for a  
28 first-grade or kindergarten enrollment date subsequent to

29 September 1, shall be allowed to enroll in the public schools of  
30 Mississippi, at the same grade level as their prior out-of-state  
31 enrollment, if:

32 (a) The parent, legal guardian or custodian of such  
33 child was a legal resident of the state from which the child is  
34 transferring;

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

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

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

44 (3) Upon the request of a child's parent, guardian or legal  
45 custodian, the school board of a school district may administer an  
46 achievement test to a child who will not reach his sixth birthday  
47 on or before September 1 of a forthcoming school year, and whose  
48 birthday is after September 1 but before December 1, in order to  
49 determine the child's readiness to enroll in the first grade in  
50 that school year. The achievement test must include, at a  
51 minimum, an examination of the child's cognitive skills. If the  
52 child successfully performs on the achievement test, then the  
53 school board may enroll that child in the school district, if the  
54 enrollment is determined to be in the best educational interest of  
55 the child.

56 (4) When any child applies for admission or enrollment in  
57 any public school in the state, the parent, guardian or child, in  
58 the absence of an accompanying parent or guardian, shall indicate  
59 on the school registration form if the enrolling child has been  
60 expelled from any public or private school or is currently a party  
61 to an expulsion proceeding. If it is determined from the child's

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

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