

By: Senator(s) Gollott, Hewes

To: Education

## SENATE BILL NO. 2976

1 AN ACT TO AMEND SECTIONS 37-15-29 AND 37-15-31, MISSISSIPPI  
2 CODE OF 1972, TO PROVIDE FOR THE AUTOMATIC TRANSFER OF STUDENTS  
3 RESIDING IN THE ANNEXED TERRITORY OF A MUNICIPALITY TO THE  
4 MUNICIPAL SEPARATE SCHOOL DISTRICT LOCATED IN THE MUNICIPALITY  
5 WHEN THE ANNEXED AREA HAS NOT BEEN ADDED TO THE TERRITORY OF SUCH  
6 DISTRICT; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 37-15-29, Mississippi Code of 1972, is  
9 amended as follows:

10 37-15-29. (1) Except as provided in subsections (2), (3)  
11 and (4) of this section, no minor child may enroll in or attend  
12 any school except in the school district of his residence, unless  
13 such child be lawfully transferred from the school district of his  
14 residence to a school in another school district in accord with  
15 the statutes of this state now in effect or which may be hereafter  
16 enacted.

17 (2) Those children whose parent(s) or legal guardian(s) are  
18 instructional personnel or certificated employees of a school  
19 district may at such employee's discretion enroll and attend the  
20 school or schools of their parent's or legal guardian's employment  
21 regardless of the residence of the child.

22 (3) No child shall be required to be transported in excess  
23 of thirty (30) miles on a school bus from his or her home to  
24 school, or in excess of thirty (30) miles from school to his or  
25 her home, if there is another school in an adjacent school  
26 district located on a shorter school bus transportation route by  
27 the nearest traveled road. Those children residing in such  
28 geographical situations may, at the discretion of their parent(s)  
29 or legal guardian(s), enroll and attend the nearer school,

30 regardless of the residence of the child. In the event the parent  
31 or legal guardian of such child and the school board are unable to  
32 agree on the school bus mileage required to transport the child  
33 from his or her home to school, an appeal shall lie to the State  
34 Board of Education, or its designee, whose decision shall be  
35 final.

36 (4) Those children lawfully transferred from the school  
37 district of his residence to a school in another school district  
38 prior to July 1, 1992, may, at the discretion of their parent(s)  
39 or legal guardian(s), continue to enroll and attend school in the  
40 transferee school district. Provided further, that the brother(s)  
41 and sister(s) of said children lawfully transferred prior to July  
42 1, 1992, may also, at the discretion of their parent(s) or legal  
43 guardian(s), enroll and attend school in the transferee school  
44 district.

45 (5) Those children residing in territory annexed by a  
46 municipality in which the boundaries of the municipal separate  
47 school district have not been extended, may, at the discretion of  
48 their parent(s) or legal guardian(s), enroll and attend the school  
49 or schools in the municipal separate school district, pursuant to  
50 the provisions of Section 37-15-31(6).

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

53 37-15-31. (1) (a) Except as provided in subsections (2)  
54 through (5) of this section, upon the petition in writing of a  
55 parent or guardian resident of the school district of an  
56 individual student filed or lodged with the president or secretary  
57 of the school board of a school district in which the pupil has  
58 been enrolled or is qualified to be enrolled as a student under  
59 Section 37-15-9, or upon the aforesaid petition or the initiative  
60 of the school board of a school district as to the transfer of a  
61 grade or grades, individual students living in one school district  
62 or a grade or grades of a school within the districts may be

63 legally transferred to another school district, by the mutual  
64 consent of the school boards of all school districts concerned,  
65 which consent must be given in writing and spread upon the minutes  
66 of such boards.

67 (b) The school board of the transferring school  
68 district to which such petition may be addressed shall act thereon  
69 not later than its next regular meeting subsequent to the filing  
70 or lodging of the petition, and a failure to act within that time  
71 shall constitute a rejection of such request. The school board of  
72 the other school district involved (the transferee board) shall  
73 act on such request for transfer as soon as possible after the  
74 transferor board shall have approved or rejected such transfer and  
75 no later than the next regular meeting of the transferee board,  
76 and a failure of such transferee board to act within such time  
77 shall constitute a rejection of such request. If such a transfer  
78 is approved by the transferee board, then such decision shall be  
79 final. If such a transfer should be refused by the school board  
80 of either school district, then such decision shall be final.

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

84 (2) (a) Upon the petition in writing of any parent or  
85 guardian who is a resident of Mississippi and is an instructional  
86 or licensed employee of a school district, but not a resident of  
87 such district, the school board of the employer school district  
88 shall consent to the transfer of such employee's dependent  
89 school-age children to its district and shall spread the same upon  
90 the minutes of the board. Upon the petition in writing of any  
91 parent or guardian who is not a resident of Mississippi and who is  
92 an instructional or licensed employee of a school district in  
93 Mississippi, the school board of the employer school district  
94 shall consent to the transfer of such employee's dependent

95 school-age children to its district and shall spread the same upon  
96 the minutes of the board.

97 (b) The school board of any school district, in its  
98 discretion, may adopt a uniform policy to allow the enrollment and  
99 attendance of the dependent children of noninstructional and  
100 nonlicensed employees, who are residents of Mississippi but are  
101 not residents of their district. Such policy shall be based upon  
102 the employment needs of the district, implemented according to job  
103 classification groups and renewed each school year.

104 (c) The employer transferee school district shall  
105 notify in writing the school district from which the pupil or  
106 pupils are transferring, and the school board of the transferor  
107 school district shall spread the same upon its minutes.

108 (d) Any such agreement by school boards for the legal  
109 transfer of a student shall include a provision providing for the  
110 transportation of the student. In the absence of such a provision  
111 the responsibility for transporting the student to the transferee  
112 school district shall be that of the parent or guardian.

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

117 (3) Upon the petition in writing of any parent or legal  
118 guardian of a school-age child who is a resident of an adjacent  
119 school district residing in the geographical situation described  
120 in Section 37-15-29(3), the school board of the school district  
121 operating the school located in closer proximity to the residence  
122 of the child shall consent to the transfer of the child to its  
123 district, and shall spread the same upon the minutes of the board.  
124 Any such agreement by school boards for the legal transfer of a  
125 student under this subsection shall include a provision for the  
126 transportation of the student by either the transferor or the  
127 transferee school district. In the event that either the school

128 board of the transferee or the transferor school district shall  
129 object to the transfer, it shall have the right to appeal to the  
130 State Board of Education whose decision shall be final. However,  
131 if the school boards agreeing on the legal transfer of any student  
132 shall fail to agree on which district shall provide  
133 transportation, the responsibility for transporting the student to  
134 the transferee school district shall be that of the parent or  
135 guardian.

136 (4) Upon the petition in writing of any parent or legal  
137 guardian of a school-age child who was lawfully transferred to  
138 another school district prior to July 1, 1992, as described in  
139 Section 37-15-29(4), the school board of the transferee school  
140 district shall consent to the transfer of such child and the  
141 transfer of any school-age brother and sister of such child to its  
142 district, and shall spread the same upon the minutes of the board.

143 (5) (a) If the board of trustees of a municipal separate  
144 school district with added territory does not have a member who is  
145 a resident of the added territory outside the corporate limits,  
146 upon the petition in writing of any parent or legal guardian of a  
147 school-age child who is a resident of the added territory outside  
148 the corporate limits, the board of trustees of the municipal  
149 separate school district and the school board of the school  
150 district adjacent to the added territory shall consent to the  
151 transfer of the child from the municipal separate school district  
152 to the adjacent school district. The agreement must be spread  
153 upon the minutes of the board of trustees of the municipal  
154 separate school district and the school board of the adjacent  
155 school district. The agreement must provide for the  
156 transportation of the student. In the absence of such a  
157 provision, the parent or legal guardian shall be responsible for  
158 transporting the student to the adjacent school district. Any  
159 school district that accepts a student under this subsection may  
160 not assess any tuition fees against the transferring student.

161 (b) Before September 1 of each year, the board of  
162 trustees of the municipal separate school district shall certify  
163 to the State Department of Education the number of students in the  
164 added territory of the municipal separate school district who are  
165 transferred to the adjacent school district under this subsection.  
166 The municipal separate school district also shall certify the  
167 total number of students in the school district residing in the  
168 added territory plus the number of those students who are  
169 transferred to the adjacent school district. Based upon these  
170 figures, the department shall calculate the percentage of the  
171 total number of students in the added territory who are  
172 transferred to the adjacent school district and shall certify this  
173 percentage to the levying authority for the municipal separate  
174 school district. The levying authority shall remit to the school  
175 board of the adjacent school district, from the proceeds of the ad  
176 valorem taxes collected for the support of the municipal separate  
177 school district from the added territory of the municipal separate  
178 school district, an amount equal to the percentage of the total  
179 number of students in the added territory who are transferred to  
180 the adjacent school district.

181 (6) (a) Upon the petition in writing of any parent or legal  
182 guardian of a school-age child who is a resident of the territory  
183 of a municipality which was annexed after July 1, 2000, and which  
184 has not been added to the territory of the municipal separate  
185 school district embraced by such municipality, the board of  
186 trustees of the municipal separate school district and the school  
187 board of the school district adjacent to the municipality shall  
188 consent to the transfer of the child from the adjacent school  
189 district to the municipal separate school district. The agreement  
190 shall be spread upon the minutes of the board of trustees of the  
191 municipal school district and the school board of the adjacent  
192 school district. The agreement shall provide for the  
193 transportation of the student. In the absence of such a

194 provision, the parent or legal guardian shall be responsible for  
195 transporting the student to the municipal separate school  
196 district. Any school district that accepts a student under this  
197 subsection may not assess any tuition fees against the  
198 transferring student.

199 (b) Before September 1 of each year, the board of  
200 trustees of the municipal separate school district shall certify  
201 to the State Department of Education the number of students in the  
202 annexed territory of the municipality who are transferred from the  
203 adjacent school district to the municipal separate school district  
204 under this subsection, plus the total number of students residing  
205 in the annexed territory. Based upon these figures, the  
206 department shall calculate the percentage of the total number of  
207 students in the annexed territory who are transferred to the  
208 municipal separate school district and shall certify this  
209 percentage to the levying authority for the adjacent school  
210 district. The levying authority of the adjacent school district  
211 shall remit to the levying authority of the municipal separate  
212 school district, from the proceeds of the ad valorem taxes  
213 collected for the support of the adjacent school district in such  
214 annexed territory, an amount equal to the percentage of the total  
215 number of students in the added territory who are transferred to  
216 the municipal separate school district.

217 (c) The provisions of this subsection (6) shall be  
218 applicable and enforceable only to the extent possible within the  
219 scope of any federal court consent judgment or any federal court  
220 order imposed upon any school district within the state.

221 **SECTION 3.** This act shall take effect and be in force from  
222 and after July 1, 2007.