

By: Representative Brown

To: Education

HOUSE BILL NO. 636  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 37-15-33, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE HOMESCHOOLED STUDENTS TO BE TESTED PRIOR TO TRANSFER  
3 INTO A PUBLIC SCHOOL DISTRICT FOR GRADE ASSIGNMENT PURPOSES; AND  
4 FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 37-15-33, Mississippi Code of 1972, is  
7 amended as follows:

8 37-15-33. All students seeking to transfer from any school,  
9 public, private or homeschool within or outside of the boundaries  
10 of the State of Mississippi, to a public school within the state  
11 may be required to take a test to determine the grade and class to  
12 which the pupil shall be assigned at the time of pupil transfer.

13 The administrative head of each public school shall  
14 administer the test or tests to such pupil or pupils as shall  
15 apply for transfer to such public school. Such test or tests  
16 shall be administered within thirty (30) days after the filing of  
17 each such application for transfer. Notice of the giving of such  
18 test shall be given the applicant not less than five (5) days  
19 prior to the date of the administration of such test.

20 No transfer of a pupil shall be effected until the test has  
21 been given and the pupil is assigned according to the grade and  
22 class for which the test shows he is best suited. No pupil shall  
23 be assigned to a grade and class more than three (3) grades above  
24 or below the grade or class that the pupil would have been  
25 assigned to had the pupil remained in the school from which the  
26 transfer is being made. Pending the administration of the test  
27 herein provided for and its grading and an assignment based



28 thereon the superintendent of the school district or the  
29 attendance center principal to which the pupil seeks admission may  
30 assign the pupil temporarily to a grade and class comparable to  
31 that in which the pupil would have been had the pupil continued in  
32 the school from which the transfer was being made.

33 If any student is transferred or reassigned within the school  
34 district by order of the board of trustees of that school district  
35 as designated by law of the State of Mississippi and not at his  
36 own request, the requirement of that pupil's taking the  
37 standardized test shall be waived. Likewise, if a pupil shall  
38 transfer from one school district to another school district in  
39 the manner provided and required by the laws of the State of  
40 Mississippi, the requirement of such pupil taking the standardized  
41 test shall be waived.

42 **SECTION 2.** This act shall take effect and be in force from  
43 and after July 1, 2011.

