

By: Representative Moore

To: Education;  
Appropriations

HOUSE BILL NO. 78

1 AN ACT TO AMEND SECTION 37-15-31, MISSISSIPPI CODE OF 1972,  
 2 TO PROHIBIT LOCAL SCHOOL BOARD IN DISTRICTS WITH AN ACCOUNTABILITY  
 3 RATING GRADE OF "D" OR "F" FROM DENYING STUDENT REQUESTS TO  
 4 TRANSFER TO A BETTER PERFORMING ADJACENT DISTRICT UPON RECEIPT OF  
 5 A WRITTEN PETITION BY THE PARENT, LEGAL GUARDIAN OR INDIVIDUAL IN  
 6 LOCO PARENTIS OF THE STUDENT REQUESTING THE TRANSFER; TO PRESCRIBE  
 7 THE COMPONENTS TO BE INCLUDED IN THE RELEASE PETITION; TO REQUIRE  
 8 THE RECEIVING SCHOOL DISTRICT TO VERIFY THE ACCOUNTABILITY RATING  
 9 GRADE OF THE TRANSFERRING SCHOOL DISTRICT BEFORE ACCEPTING ANY  
 10 STUDENT, AND UPON A DETERMINATION THAT THE TRANSFERRING DISTRICT  
 11 HAS A POOR ACCOUNTABILITY RATING, SHALL RECEIVE THE STUDENT AND  
 12 MAKE A REQUEST OF THE TRANSFERRING DISTRICT FOR PER PUPIL  
 13 EXPENDITURES ALLOTTED THE STUDENT; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** 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           (d) The school board of any school district with an  
49 accountability rating grade of "D" or "F" shall not prohibit any  
50 student desiring to transfer to a better performing school in an  
51 adjacent school district upon receipt of a written petition by the  
52 parent, legal guardian or individual in loco parentis of the  
53 student requesting the transfer. The petition needs only state  
54 the request to be released from the current district of attendance  
55 and identify the district to which transfer is sought. The  
56 receiving school district shall verify the accountability rating  
57 grade of the transferring school district before accepting any  
58 student, and upon a determination that the transferring district  
59 has a poor accountability rating, shall receive the student and  
60 make a request of the transferring district for per pupil  
61 expenditures allotted the student.

62           (2) (a) Upon the petition in writing of any parent or  
63 guardian who is a resident of Mississippi and is an instructional  
64 or licensed employee of a school district, but not a resident of  
65 such district, the school board of the employer school district  
66 shall consent to the transfer of such employee's dependent  
67 school-age children to its district and shall spread the same upon  
68 the minutes of the board. Upon the petition in writing of any  
69 parent or guardian who is not a resident of Mississippi and who is  
70 an instructional or licensed employee of a school district in  
71 Mississippi, the school board of the employer school district  
72 shall consent to the transfer of such employee's dependent



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

75 (b) The school board of any school district, in its  
76 discretion, may adopt a uniform policy to allow the enrollment and  
77 attendance of the dependent children of noninstructional and  
78 nonlicensed employees, who are residents of Mississippi but are  
79 not residents of their district. Such policy shall be based upon  
80 the employment needs of the district, implemented according to job  
81 classification groups and renewed each school year.

82 (c) The employer transferee school district shall  
83 notify in writing the school district from which the pupil or  
84 pupils are transferring, and the school board of the transferor  
85 school district shall spread the same upon its minutes.

86 (d) Any such agreement by school boards for the legal  
87 transfer of a student shall include a provision providing for the  
88 transportation of the student. In the absence of such a provision  
89 the responsibility for transporting the student to the transferee  
90 school district shall be that of the parent or guardian.

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

95 (3) Upon the petition in writing of any parent or legal  
96 guardian of a school-age child who is a resident of an adjacent  
97 school district residing in the geographical situation described



98 in Section 37-15-29(3), the school board of the school district  
99 operating the school located in closer proximity to the residence  
100 of the child shall consent to the transfer of the child to its  
101 district, and shall spread the same upon the minutes of the board.  
102 Any such agreement by school boards for the legal transfer of a  
103 student under this subsection shall include a provision for the  
104 transportation of the student by either the transferor or the  
105 transferee school district. In the event that either the school  
106 board of the transferee or the transferor school district shall  
107 object to the transfer, it shall have the right to appeal to the  
108 State Board of Education whose decision shall be final. However,  
109 if the school boards agreeing on the legal transfer of any student  
110 shall fail to agree on which district shall provide  
111 transportation, the responsibility for transporting the student to  
112 the transferee school district shall be that of the parent or  
113 guardian.

114 (4) Upon the petition in writing of any parent or legal  
115 guardian of a school-age child who was lawfully transferred to  
116 another school district prior to July 1, 1992, as described in  
117 Section 37-15-29(4), the school board of the transferee school  
118 district shall consent to the transfer of such child and the  
119 transfer of any school-age brother and sister of such child to its  
120 district, and shall spread the same upon the minutes of the board.

121 (5) (a) If the board of trustees of a municipal separate  
122 school district with added territory does not have a member who is



123 a resident of the added territory outside the corporate limits,  
124 upon the petition in writing of any parent or legal guardian of a  
125 school-age child who is a resident of the added territory outside  
126 the corporate limits, the board of trustees of the municipal  
127 separate school district and the school board of the school  
128 district adjacent to the added territory shall consent to the  
129 transfer of the child from the municipal separate school district  
130 to the adjacent school district. The agreement must be spread  
131 upon the minutes of the board of trustees of the municipal  
132 separate school district and the school board of the adjacent  
133 school district. The agreement must provide for the  
134 transportation of the student. In the absence of such a  
135 provision, the parent or legal guardian shall be responsible for  
136 transporting the student to the adjacent school district. Any  
137 school district that accepts a student under this subsection may  
138 not assess any tuition fees against the transferring student.

139 (b) Before September 1 of each year, the board of  
140 trustees of the municipal separate school district shall certify  
141 to the State Department of Education the number of students in the  
142 added territory of the municipal separate school district who are  
143 transferred to the adjacent school district under this subsection.  
144 The municipal separate school district also shall certify the  
145 total number of students in the school district residing in the  
146 added territory plus the number of those students who are  
147 transferred to the adjacent school district. Based upon these



148 figures, the department shall calculate the percentage of the  
149 total number of students in the added territory who are  
150 transferred to the adjacent school district and shall certify this  
151 percentage to the levying authority for the municipal separate  
152 school district. The levying authority shall remit to the school  
153 board of the adjacent school district, from the proceeds of the ad  
154 valorem taxes collected for the support of the municipal separate  
155 school district from the added territory of the municipal separate  
156 school district, an amount equal to the percentage of the total  
157 number of students in the added territory who are transferred to  
158 the adjacent school district.

159         **SECTION 2.** This act shall take effect and be in force from  
160 and after July 1, 2014.

