

By: Representatives Moore, Alday, Boyd,
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To: Education

HOUSE BILL NO. 592

1 AN ACT TO CREATE THE OPPORTUNITY SCHOLARSHIP PROGRAM TO
 2 PROVIDE LOW INCOME PUBLIC SCHOOL AND PREKINDERGARTEN STUDENTS AN
 3 OPPORTUNITY TO ATTEND AN APPROVED NONPUBLIC SCHOOL OR
 4 PREKINDERGARTEN PROGRAM; TO PRESCRIBE ELIGIBILITY CRITERIA FOR
 5 STUDENTS AND PREKINDERGARTEN CHILDREN TO RECEIVE SCHOLARSHIPS AND
 6 FOR NONPUBLIC SCHOOLS AND PREKINDERGARTEN PROVIDERS TO PARTICIPATE
 7 IN THE PROGRAM; TO REQUIRE THE STATE BOARD OF EDUCATION TO SELECT
 8 A SCHOLARSHIP GRANTING ORGANIZATION TO ADMINISTER THE PROGRAM; TO
 9 PROVIDE AN INCOME TAX CREDIT FOR CONTRIBUTIONS TO THE PROGRAM; TO
 10 AMEND SECTIONS 37-15-29 AND 37-15-31, MISSISSIPPI CODE OF 1972, TO
 11 PROVIDE FOR THE TRANSFER OF A STUDENT TO A SCHOOL OF CHOICE UPON
 12 THE PETITION OF THE PARENT OR GUARDIAN OF SUCH STUDENT; TO PROVIDE
 13 THAT TRANSPORTATION OF A STUDENT TO A TRANSFEREE SCHOOL SHALL BE
 14 THE RESPONSIBILITY OF THE STUDENT'S PARENT OR GUARDIAN UNLESS THE
 15 SCHOOL DISTRICT AGREES TO PROVIDE TRANSPORTATION; TO AMEND SECTION
 16 37-151-93, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A SCHOOL
 17 DISTRICT ACCEPTING A TRANSFER STUDENT MAY NOT CHARGE THE STUDENT
 18 ANY TUITION FEES; TO AMEND SECTIONS 37-15-13 AND 37-15-15,
 19 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS
 20 ACT; AND FOR RELATED PURPOSES.

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

22 **SECTION 1.** (1) There is created the Opportunity Scholarship
 23 Program, the purpose of which is to give low income public school
 24 students an opportunity to enroll in and attend an approved
 25 nonpublic school and low income prekindergarten children an
 26 opportunity to enroll in and attend prekindergarten at an approved
 27 prekindergarten provider. The program shall be administered by a



28 scholarship granting organization (SGO) selected by the State
29 Board of Education, as required under Section 6 of this act.

30 (2) A public school student's parent or guardian may request
31 and receive from the SGO an opportunity scholarship for the
32 student to enroll in an approved nonpublic school in accordance
33 with the provisions of this section if:

34 (a) (i) The public school that the student attended in
35 the preceding school year was graded "D" or "F" in that school
36 year and in two (2) school years during a period of four (4)
37 years, and the student attended the school during a school year in
38 which the school was graded "D" or "F"; or

39 (ii) The student is entering kindergarten or first
40 grade and lives or will live within the attendance zone of a
41 school described under subparagraph (i) of this paragraph during
42 the next school year;

43 (b) The family income of the student does not exceed
44 two hundred fifty percent (250%) of the established poverty level;
45 and

46 (c) The parent or guardian has obtained acceptance for
47 admission of the student to an approved nonpublic school and has
48 notified the SGO and the school district of the request for an
49 opportunity scholarship before July 1 of the first year in which
50 the student intends to use the scholarship.

51 (3) (a) For purposes of this act, the term "prekindergarten
52 children" means children who have not entered kindergarten but



53 will have attained the age of four (4) years on or before
54 September 1 of a school year. The term "prekindergarten provider"
55 means a public, private or parochial school, licensed childcare
56 center or Head Start center that serves prekindergarten children
57 and participates in the Opportunity Scholarship Program.

58 (b) A prekindergarten child's parent or guardian may
59 request and receive from the SGO an opportunity scholarship for
60 the child to enroll in and attend prekindergarten at an approved
61 prekindergarten provider if:

62 (i) The family income of the child does not exceed
63 two hundred fifty percent (250%) of the established poverty level;

64 (ii) The parent or guardian has obtained
65 acceptance for admission of the child to an approved
66 prekindergarten provider and has notified the SGO and
67 prekindergarten provider of the request for an opportunity
68 scholarship before July 1 of the first year in which the
69 prekindergarten child intends to use the scholarship; and

70 (iii) The parent or guardian agrees to submit the
71 prekindergarten child to kindergarten screening, regardless of
72 whether the child subsequently will attend kindergarten in a
73 public school, if the State Department of Education adopts a
74 statewide kindergarten screening that assesses the readiness of
75 each student to kindergarten.



76 (4) This section does not apply to students enrolled in a
77 school operating to provide educational services to youth in a
78 juvenile justice system commitment program.

79 **SECTION 2.** (1) For each school that has been graded "D" or
80 "F" for two (2) school years during a period of four (4) years,
81 the school district in which the school is located shall provide
82 timely notice to the parents and guardians of students enrolled in
83 or assigned to the "D" or "F" school of all options available for
84 students under this act. The notice from the school district must
85 be given to parents and guardians as soon as the "D" or "F"
86 designation has been assigned to the school by the State Board of
87 Education.

88 (2) Any transportation costs that may be incurred for a
89 student to attend an approved nonpublic school on an opportunity
90 scholarship shall be the responsibility of the parent or guardian
91 of the student.

92 **SECTION 3.** (1) To be eligible to participate in the
93 Opportunity Scholarship Program, a school must be a nonpublic
94 school operating in Mississippi, may be sectarian or nonsectarian,
95 and must:

96 (a) Demonstrate fiscal soundness by being in operation
97 for one (1) school year or provide the State Department of
98 Education with a statement by a certified public accountant
99 confirming that the school desiring to participate is insured. In
100 addition, the owner or owners of the nonpublic school must have



101 sufficient capital or credit to operate the school for the
102 upcoming school year, serving the number of students anticipated
103 with expected revenues from tuition and other sources that
104 reasonably may be expected. In lieu of such a statement from a
105 certified public accountant, a surety bond or letter of credit for
106 an amount equal to the opportunity scholarship funds available for
107 any quarter may be filed with the department.

108 (b) Notify the State Department of Education of its
109 intent to participate in the program before May 1 of the school
110 year preceding the school year in which the school intends to
111 participate. The notice must specify the grade levels and
112 services that the school has available for the Opportunity
113 Scholarship Program.

114 (c) Comply with the antidiscrimination provisions of 42
115 USCS sec. 2000d.

116 (d) Meet state and local health and safety laws and
117 codes.

118 (e) Accept scholarship students on an entirely random
119 and religious-neutral basis without regard to a student's past
120 academic history; however, the school may give preference in
121 accepting applications to siblings of students who already have
122 been accepted on a random and religious-neutral basis.

123 (f) Be academically accountable to the parent or
124 guardian for meeting the educational needs of the student. The



125 school must furnish to the parent or guardian a school profile
126 that includes student performance.

127 (g) Employ or contract with teachers who: hold a
128 baccalaureate or higher degree; have at least three (3) years of
129 teaching experience in public or nonpublic schools; or have
130 special skills, knowledge or expertise that qualifies them to
131 provide instruction in subjects taught.

132 (h) Comply with all state statutes relating to
133 nonpublic schools.

134 (i) Adhere to the tenets of its published disciplinary
135 procedures before the expulsion of any opportunity scholarship
136 student.

137 (2) To be eligible to participate in the Opportunity
138 Scholarship Program, a prekindergarten provider may be sectarian
139 or nonsectarian and must be a public, private or parochial school,
140 licensed childcare center or Head Start center that serves
141 prekindergarten children. In addition, a prekindergarten provider
142 must:

143 (a) Demonstrate fiscal soundness by being in operation
144 for one (1) school year or provide the State Department of
145 Education with a statement by a certified public accountant
146 confirming that the prekindergarten provider desiring to
147 participate is insured. In addition, the owner or owners of the
148 prekindergarten provider must have sufficient capital or credit to
149 operate the prekindergarten program for the upcoming school year,



150 serving the number of children anticipated with expected revenues
151 from tuition, fees and other sources that reasonably may be
152 expected. In lieu of such a statement from a certified public
153 accountant, a surety bond or letter of credit for an amount equal
154 to the opportunity scholarship funds available for any quarter may
155 be filed with the department.

156 (b) Notify the State Department of Education of its
157 intent to participate in the program before May 1 of the school
158 year preceding the school year in which the prekindergarten
159 provider intends to participate.

160 (c) Comply with the antidiscrimination provisions
161 applicable to public schools. A prekindergarten provider may not
162 discriminate against a parent or child, including the refusal to
163 admit a child for enrollment in the prekindergarten program, in
164 violation of the antidiscrimination requirements; however, a
165 prekindergarten provider may refuse to admit a child based on the
166 provider's standard eligibility guidelines if the guidelines do
167 not violate the antidiscrimination requirements.

168 (d) Meet state and local health and safety laws and
169 codes. A childcare center must meet state child care facility
170 licensure requirements as well as have a rating of at least a "3"
171 on the Quality Rating and Improvement Scale. A Head Start center
172 must meet state child care facility licensure standards, when
173 applicable, as well as be in compliance with federal Head Start
174 program guidelines.



175 (e) Accept scholarship children on an entirely random
176 and religious-neutral basis; however, the prekindergarten provider
177 may give preference in accepting applications to siblings of
178 children who already have been accepted on a random and
179 religious-neutral basis.

180 (f) Be academically accountable to the parent or
181 guardian for meeting the educational needs of the prekindergarten
182 child. If the State Department of Education adopts a statewide
183 kindergarten screening that assesses the readiness of each student
184 for kindergarten, the department also shall adopt a minimum rate
185 of readiness that a prekindergarten provider must meet in order to
186 remain eligible to participate in the Opportunity Scholarship
187 Program.

188 (g) Employ or contract with teachers who meet the
189 qualifications established under Section 37-21-3.

190 (h) Use state-adopted comprehensive early learning
191 standards.

192 (i) Use a research-based curriculum that is designed to
193 prepare children to be ready for kindergarten, with emphasis in
194 early literacy, and is aligned with the comprehensive early
195 learning standards.

196 (j) Have a maximum teacher:child ratio of one (1) adult
197 for every ten (10) children with a maximum of twenty (20) children
198 per classroom and a minimum of five (5) children per classroom.



199 (k) Provide at least one (1) meal daily meeting state
200 and federal nutrition guidelines for young children.

201 (l) Provide no less than five hundred forty (540)
202 instructional hours per school year for half-day programs and one
203 thousand eighty (1,080) instructional hours per school year for
204 full-day programs.

205 (3) The State Board of Education shall determine eligible
206 nonpublic schools and prekindergarten providers based upon the
207 criteria set forth in this section and shall maintain a list of
208 approved nonpublic schools and prekindergarten providers.

209 **SECTION 4.** (1) Any student participating in the Opportunity
210 Scholarship Program must comply fully with the nonpublic school's
211 code of conduct.

212 (2) The parent or guardian of each student participating in
213 the Opportunity Scholarship Program must comply fully with the
214 nonpublic school's or prekindergarten provider's parental
215 involvement requirements, as the case may be, unless excused by
216 the school or prekindergarten provider for illness or other good
217 cause.

218 **SECTION 5.** (1) The maximum opportunity scholarship that may
219 be granted for an eligible student or prekindergarten child must
220 be a calculated amount equal to ninety percent (90%) of the base
221 student cost, as determined under the Mississippi Adequate
222 Education Program, or the amount of the approved nonpublic
223 school's cost of educating the child or for a prekindergarten



224 child, the prekindergarten provider's enrollment cost or fees,
225 whichever is less. Fees eligible for reimbursement from the
226 scholarship include textbook fees, laboratory fees and other fees
227 related to instruction.

228 (2) No liability on the part of the state shall arise based
229 on any grant or use of an opportunity scholarship.

230 **SECTION 6.** (1) The State Board of Education shall select a
231 scholarship granting organization (SGO) to serve as the
232 administrator of the Opportunity Scholarship Program and shall
233 establish compensation for services performed by the SGO. The SGO
234 shall demonstrate to the board that it has been granted exemption
235 from the federal income tax as an organization described in
236 Section 501(c) (3) of the Internal Revenue Code.

237 (2) The SGO shall:

238 (a) Create a fund to be designated the "Opportunity
239 Scholarship Fund," which shall consist of money designated for
240 deposit into the fund from gifts, donations or contributions from
241 individuals, corporations or any other source, public or private.
242 Unexpended monies in the fund and earned interest may not be used
243 or expended for any purpose except as authorized by this act.

244 (b) Notify the State Department of Education of
245 scholarships awarded to students attending approved nonpublic
246 schools and prekindergarten children attending approved
247 prekindergarten providers.



248 (c) Distribute periodic scholarship payments as checks
249 made out to a student's or prekindergarten child's parent or
250 guardian, as the case may be, and mailed to the approved nonpublic
251 school or prekindergarten provider where the student or child is
252 enrolled. The parent or guardian must endorse the check before it
253 may be deposited.

254 (d) Provide a receipt approved by the State Department
255 of Education to taxpayers for contributions made to the SGO.

256 (e) Ensure that at least ninety-three percent (93%) of
257 its revenue from donations is spent on scholarships and that all
258 revenue from interest or investments is spent on scholarships.

259 (f) Ensure that scholarships are portable during the
260 school year and can be used at any approved nonpublic school or
261 prekindergarten provider that accepts the eligible student or
262 prekindergarten child according to a parent or guardian's wishes.
263 If a student moves to a new approved nonpublic school or a
264 prekindergarten child moves to a new approved prekindergarten
265 provider during a school year, the scholarship amount may be
266 prorated.

267 (g) Publicly report to the State Department of
268 Education before June 1 of each year the following information
269 prepared by a certified public accountant regarding grants in the
270 preceding calendar year:



271 (i) The total number and total dollar amount of
272 contributions received by the SGO during the preceding calendar
273 year; and

274 (ii) The total number and total dollar amount of
275 scholarships awarded during the preceding calendar year, the total
276 number and total dollar amount of scholarships awarded during the
277 preceding year to students qualifying for the federal free and
278 reduced-price lunch program, and the percentage of first-time
279 scholarship recipients who were enrolled in a public school or, in
280 the case of a prekindergarten student, a prekindergarten program
281 that serves children younger than four (4) years of age, during
282 the preceding year.

283 (h) Ensure scholarships are not provided for students
284 or prekindergarten children to attend a school or prekindergarten
285 provider, as the case may be, with paid staff or board members, or
286 their relatives, in common with the SGO.

287 (i) Annually submit to the State Department of
288 Education a financial information report for the organization
289 which complies with uniform financial accounting standards
290 established by the department and conducted by a certified public
291 accountant, certifying that the report is free of material
292 misstatements.

293 (3) Each participating school and prekindergarten provider
294 must demonstrate financial viability, if the school or
295 prekindergarten provider is to receive donations of Fifty Thousand



296 Dollars (\$50,000.00) or more during the school year, by filing
297 with the SGO, before the start of the school year, either:

298 (a) A surety bond payable to the SGO in an amount equal
299 to the aggregate amount of contributions expected to be received
300 during the school year; or

301 (b) Financial information that demonstrates the
302 financial viability of the participating school or prekindergarten
303 provider.

304 (4) (a) The SGO shall ensure that each participating school
305 that accepts its scholarship shall:

306 (i) Annually administer, to all participating
307 students in grades that require testing under the statewide
308 assessment testing program, either the uniform state assessment
309 tests or nationally recognized norm-referenced tests that measure
310 learning gains in math and language arts;

311 (ii) Allow costs of the testing requirements to be
312 covered by the scholarships distributed by the SGO;

313 (iii) Provide the parent or guardian of each
314 student who was tested with a copy of the results of the tests on
315 an annual basis, beginning with the first year of testing;

316 (iv) Provide the test results to the State
317 Department of Education on an annual basis, beginning with the
318 first year of testing;



319 (v) Report student information that will allow the
320 state to aggregate data by grade level, gender, family income
321 level and race; and

322 (vi) Provide graduation rates of participating
323 students to the State Department of Education in a manner
324 consistent with nationally recognized standards.

325 (b) If the State Department of Education adopts a
326 statewide kindergarten screening that assesses the readiness of
327 each child for kindergarten, the SGO shall ensure that each
328 participating prekindergarten provider that accepts its
329 scholarship shall:

330 (i) Annually administer the statewide kindergarten
331 screening;

332 (ii) Allow costs of the screening requirements to
333 be covered by the scholarships distributed by the SGO;

334 (iii) Provide the parent or guardian of each child
335 who was tested with a copy of the results of the screening;

336 (iv) Provide the screening results to the State
337 Department of Education on an annual basis, beginning with the
338 first year of screening; and

339 (v) Report prekindergarten child information that
340 will allow the state to aggregate data by gender, family income
341 level and race.

342 (c) The State Department of Education shall:



343 (i) Ensure compliance with all student privacy
344 laws;
345 (ii) Collect all test and screening results; and
346 (iii) Provide the test and screening results and
347 associated learning gains to the public via a state website after
348 the third year of test, screening and test-related data
349 collection. The findings must be aggregated by the students'
350 grade level, gender, family income level, number of years of
351 participation in the scholarship program and race.

352 (5) Individuals and corporations contributing to the
353 Opportunity Scholarship Fund are eligible for a tax credit under
354 Section 7 of this act. Donations accepted by the SGO in any one
355 (1) calendar year may not exceed Ten Million Dollars
356 (\$10,000,000.00).

357 (6) The SGO shall promulgate rules necessary to effectuate
358 the purposes of this act. The rules must include a means of
359 informing the public of the existence of the Opportunity
360 Scholarship Program and the application process for scholarship
361 candidates.

362 **SECTION 7.** (1) Any individual, corporation or other entity
363 having taxable income in this state is allowed an annual tax
364 credit for taxes imposed by Section 27-7-5 for donations made to
365 the Opportunity Scholarship Fund created by Section 6 of House
366 Bill No. _____, 2014 Regular Session. Any unused portion of



367 the credit may be carried forward for three (3) succeeding tax
368 years.

369 (2) Any donation to the fund must be verified by submission
370 to the Department of Revenue of a copy of the receipt provided to
371 the donor taxpayer by the scholarship granting organization or
372 such other written verification as may be required by the
373 Department of Revenue.

374 (3) The maximum amount of donations accepted by the
375 administrator of the Opportunity Scholarship Program created by
376 House Bill No. _____, 2014 Regular Session, in any one (1)
377 calendar year may not exceed Ten Million Dollars (\$10,000,000.00).

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

380 37-15-29. (1) Except as provided in subsections (2) * * *
381 through (6) of this section, no minor child may enroll in or
382 attend any school except in the school district of his residence,
383 unless such child be lawfully transferred from the school district
384 of his residence to a school in another school district in accord
385 with the statutes of this state now in effect or which may be
386 hereafter enacted.

387 (2) Those children whose parent(s) or legal guardian(s) are
388 instructional personnel or certificated employees of a school
389 district may at such employee's discretion enroll and attend the
390 school or schools of their parent's or legal guardian's employment
391 regardless of the residence of the child.



392 (3) No child shall be required to be transported in excess
393 of thirty (30) miles on a school bus from his or her home to
394 school, or in excess of thirty (30) miles from school to his or
395 her home, if there is another school in an adjacent school
396 district located on a shorter school bus transportation route by
397 the nearest traveled road. Those children residing in such
398 geographical situations may, at the discretion of their parent(s)
399 or legal guardian(s), enroll and attend the nearer school,
400 regardless of the residence of the child. In the event the parent
401 or legal guardian of such child and the school board are unable to
402 agree on the school bus mileage required to transport the child
403 from his or her home to school, an appeal shall lie to the State
404 Board of Education, or its designee, whose decision shall be
405 final. The school districts involved in the appeal shall provide
406 the Mississippi Department of Education with any school bus route
407 information requested, including riding the buses as necessary, in
408 order to measure the bus routes in question, as needed by the
409 State Board of Education in considering the appeal.

410 (4) Those children lawfully transferred from the school
411 district of his residence to a school in another school district
412 prior to July 1, 1992, may, at the discretion of their parent(s)
413 or legal guardian(s), continue to enroll and attend school in the
414 transferee school district. Provided further, that the brother(s)
415 and sister(s) of said children lawfully transferred prior to July
416 1, 1992, may also, at the discretion of their parent(s) or legal



417 guardian(s), enroll and attend school in the transferee school
418 district.

419 (5) Those children whose parent(s) or legal guardian(s) are
420 active members of the United States Armed Forces or civilian
421 military personnel and reside on a military base, may, at the
422 discretion of their parent(s) or legal guardian(s), enroll and
423 attend the school district of their parent's or legal guardian's
424 choosing, regardless of the residence of the child, provided the
425 school district where the student resides or in an adjacent school
426 district and the parent's or guardian's choice of school district
427 does not violate the provision of subsection (3) of this section
428 prohibiting the transportation of students in excess of thirty
429 (30) miles.

430 (6) Those children who are attending a school in a school
431 district in this state may transfer to the school of the parent's
432 choice if the transferee school district accepts enrollment based
433 on available capacity in the manner provided in Section 37-15-31.

434 **SECTION 9.** Section 37-15-31, Mississippi Code of 1972, is
435 amended as follows:

436 37-15-31. (1) (a) Except as provided in subsections (2)
437 through (5) of this section, upon the petition in writing of a
438 parent or guardian resident of the school district of an
439 individual student filed or lodged with the president or secretary
440 of the school board of a school district in which the pupil has
441 been enrolled or is qualified to be enrolled as a student under



442 Section 37-15-9, or upon the aforesaid petition or the initiative
443 of the school board of a school district as to the transfer of a
444 grade or grades, individual students living in one school district
445 or a grade or grades of a school within the districts may be
446 legally transferred to another school district, by the * * *
447 consent of the school * * * board of * * * the transferee
448 school * * * district, which consent must be given in writing and
449 spread upon the minutes of * * * the school board of the
450 transferee school district, with a copy of the pertinent part of
451 the minutes transmitted to the transferring school district for
452 its records.

453 (b) * * * The school board of the * * * transferee
454 school district involved * * * shall act on such request for
455 transfer as soon as possible after the * * * request for a
456 transfer is made, and a failure of such transferee board to act
457 within such time shall constitute a rejection of such request. If
458 such a transfer is approved by the transferee board, then such
459 decision shall be final. If such a transfer should be refused by
460 the school board of * * * the transferee school district, then
461 such decision shall be final. The decision to consent to a
462 student transfer is in the sole discretion of the school board of
463 the transferee school district based upon available capacity;
464 however, selection of transferring students must be done randomly.



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

468 (d) The responsibility for transporting a student who
469 transfers under this subsection to the transferee school district
470 is that of the parent or guardian unless the transferee school
471 district agrees to provide transportation.

472 (2) (a) Upon the petition in writing of any parent or
473 guardian who is a resident of Mississippi and is an instructional
474 or licensed employee of a school district, but not a resident of
475 such district, the school board of the employer school district
476 shall consent to the transfer of such employee's dependent
477 school-age children to its district and shall spread the same upon
478 the minutes of the board. Upon the petition in writing of any
479 parent or guardian who is not a resident of Mississippi and who is
480 an instructional or licensed employee of a school district in
481 Mississippi, the school board of the employer school district
482 shall consent to the transfer of such employee's dependent
483 school-age children to its district and shall spread the same upon
484 the minutes of the board.

485 (b) The school board of any school district, in its
486 discretion, may adopt a uniform policy to allow the enrollment and
487 attendance of the dependent children of noninstructional and
488 nonlicensed employees, who are residents of Mississippi but are
489 not residents of their district. Such policy shall be based upon



490 the employment needs of the district, implemented according to job
491 classification groups and renewed each school year.

492 (c) The employer transferee school district shall
493 notify in writing the school district from which the pupil or
494 pupils are transferring, and the school board of the transferor
495 school district shall spread the same upon its minutes.

496 (d) Any such agreement by school boards for the legal
497 transfer of a student shall include a provision providing for the
498 transportation of the student. In the absence of such a provision
499 the responsibility for transporting the student to the transferee
500 school district shall be that of the parent or guardian.

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

505 * * *

506 (* * *3) Upon the petition in writing of any parent or
507 legal guardian of a school-age child who was lawfully transferred
508 to another school district prior to July 1, 1992, as described in
509 Section 37-15-29(4), the school board of the transferee school
510 district shall consent to the transfer of such child and the
511 transfer of any school-age brother and sister of such child to its
512 district, and shall spread the same upon the minutes of the board.

513 (* * *4) (a) If the board of trustees of a municipal
514 separate school district with added territory does not have a



515 member who is a resident of the added territory outside the
516 corporate limits, upon the petition in writing of any parent or
517 legal guardian of a school-age child who is a resident of the
518 added territory outside the corporate limits, the board of
519 trustees of the municipal separate school district and the school
520 board of the school district adjacent to the added territory shall
521 consent to the transfer of the child from the municipal separate
522 school district to the adjacent school district. The agreement
523 must be spread upon the minutes of the board of trustees of the
524 municipal separate school district and the school board of the
525 adjacent school district. The agreement must provide for the
526 transportation of the student. In the absence of such a
527 provision, the parent or legal guardian shall be responsible for
528 transporting the student to the adjacent school district. Any
529 school district that accepts a student under this subsection may
530 not assess any tuition fees against the transferring student.

531 (b) Before September 1 of each year, the board of
532 trustees of the municipal separate school district shall certify
533 to the State Department of Education the number of students in the
534 added territory of the municipal separate school district who are
535 transferred to the adjacent school district under this subsection.
536 The municipal separate school district also shall certify the
537 total number of students in the school district residing in the
538 added territory plus the number of those students who are
539 transferred to the adjacent school district. Based upon these



540 figures, the department shall calculate the percentage of the
541 total number of students in the added territory who are
542 transferred to the adjacent school district and shall certify this
543 percentage to the levying authority for the municipal separate
544 school district. The levying authority shall remit to the school
545 board of the adjacent school district, from the proceeds of the ad
546 valorem taxes collected for the support of the municipal separate
547 school district from the added territory of the municipal separate
548 school district, an amount equal to the percentage of the total
549 number of students in the added territory who are transferred to
550 the adjacent school district.

551 (5) Upon the petition in writing of any parent or legal
552 guardian of a school-age child who is attending a school in a
553 school district in this state, the school board of the transferee
554 school district, in its discretion, may approve the transfer of
555 the child, and any consent given must be recorded in the minutes
556 of the board. If the transferee school is in the same school
557 district, the school district superintendent, in his discretion,
558 may approve the transfer of the child, subject to ratification of
559 the superintendent's consent by the school board, which consent
560 must be recorded in the minutes of the board. The selection of
561 students desiring to transfer must be done on a random basis. The
562 responsibility for transporting the student to the transferee
563 school district or transferee school is that of the parent or
564 guardian, unless the school district agrees to provide



565 transportation. If either the school board of the transferee
566 school district or the school district superintendent objects to
567 the transfer, the parent or legal guardian may appeal to the State
568 Board of Education, whose decision shall be final.

569 **SECTION 10.** Section 37-151-93, Mississippi Code of 1972, is
570 amended as follows:

571 37-151-93. (1) Legally transferred students going from one
572 school district to another shall be counted for adequate education
573 program allotments by the school district wherein the pupils
574 attend school, but shall be counted for transportation allotment
575 purposes in the school district which furnishes or provides the
576 transportation. The school boards of the school districts which
577 approve the transfer of a student under the provisions of Section
578 37-15-31 shall enter into an agreement and contract for the
579 payment or nonpayment of any portion of their local maintenance
580 funds which they deem fair and equitable in support of any
581 transferred student. Except as provided in subsection (2) of this
582 section, local maintenance funds shall be transferred only to the
583 extent specified in the agreement and contract entered into by the
584 affected school districts. The terms of any local maintenance
585 fund payment transfer contract shall be spread upon the minutes of
586 both of the affected school district school boards. The school
587 district accepting any transfer students shall not be authorized
588 to accept tuition from such students under the provisions of
589 Section 37-15-31(1) * * *. No school district accepting any



590 transfer students under the provisions of Section 37-15-31(2),
591 which provides for the transfer of certain school district
592 employee dependents, shall be authorized to charge such transfer
593 students any tuition fees. A school district accepting a transfer
594 student under Section 37-15-31(5) may not charge the transfer
595 student any tuition fees.

596 (2) Local maintenance funds shall be paid by the home school
597 district to the transferee school district for students granted
598 transfers under the provisions of * * * Section 37-15-29(3) * * *,
599 not to exceed the "base student cost" as defined in Section
600 37-151-5, Mississippi Code of 1972, multiplied by the number of
601 such legally transferred students. However, whenever a student
602 transfers to another school district under open enrollment, as
603 authorized under Sections 37-15-29(6) and 37-15-31, the home
604 school district may not transfer any local maintenance funds to
605 the transferee school district.

606 **SECTION 11.** Section 37-15-13, Mississippi Code of 1972, is
607 amended as follows:

608 37-15-13. When any child qualified under the requirements of
609 Section 37-15-9 shall apply or present himself for enrollment in
610 or admission to the public schools of any school district of this
611 state, the school board of such school district shall have the
612 power and authority to designate the particular school or
613 attendance center of the district in which such child shall be
614 enrolled and which he shall attend; no enrollment of a child in a



615 school shall be final or permanent until such designation shall be
616 made by said school board. No child shall be entitled to attend
617 any school or attendance center except that to which he has been
618 assigned by the school board; however, the principal of a school
619 or superintendent of the district may, in proper cases, permit a
620 child to attend a school temporarily until a permanent assignment
621 is made by the school board. Beginning with the 2013-2014 school
622 year, a child who is attending a school in a school district in
623 this state may attend a school of parental choice in the manner
624 prescribed in Section 37-15-31.

625 **SECTION 12.** Section 37-15-15, Mississippi Code of 1972, is
626 amended as follows:

627 37-15-15. In making assignments of children to schools or
628 attendance centers, the school board shall take into consideration
629 the educational needs and welfare of the child involved, the
630 welfare and best interest of all the pupils attending the school
631 or schools involved, the availability of school facilities,
632 sanitary conditions and facilities at the school or schools
633 involved, health and moral factors at the school or schools, and
634 in the community involved, the accreditation rating of the school
635 involved and all other factors which the school board may consider
636 pertinent, relevant or material in their effect on the welfare and
637 best interest of the school district and the particular school or
638 schools involved. All such assignments shall be on an individual
639 basis as to the particular child involved and, in making such



640 assignment, the school board shall not be limited or circumscribed
641 by the boundaries of any attendance areas which may have been
642 established by such board.

643 **SECTION 13.** Section 7 of this act shall be codified as a new
644 section in Chapter 7, Title 27, Mississippi Code of 1972.

645 **SECTION 14.** This act shall take effect and be in force from
646 and after July 1, 2014.

