

By: Representative Clark

To: Education

HOUSE BILL NO. 29

1 AN ACT TO AMEND SECTION 37-15-29, MISSISSIPPI CODE OF 1972,
 2 TO REQUIRE THE STATE BOARD OF EDUCATION TO ADOPT A POLICY
 3 ESTABLISHING UNIFORM RESIDENCY REQUIREMENTS FOR CHILDREN ENROLLED
 4 IN PUBLIC SCHOOLS TO BE ADHERED TO BY ALL LOCAL SCHOOL BOARDS; TO
 5 PROVIDE THAT THE POLICY SHALL NOT ABROGATE THE RIGHT OF ANY PARENT
 6 OR LEGAL GUARDIAN OF A CHILD TO LEGALLY TRANSFER THE CHILD TO
 7 ANOTHER SCHOOL DISTRICT; TO AMEND SECTION 37-15-31, MISSISSIPPI
 8 CODE OF 1972, WHICH ESTABLISHES GENERAL PROCEDURES FOR
 9 TRANSFERRING STUDENTS BETWEEN SCHOOL DISTRICTS UNDER CERTAIN
 10 CIRCUMSTANCES, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

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

14 37-15-29. (1) Except as provided in subsections (2), (3),
 15 (4) and (5) of this section, no minor child may enroll in or
 16 attend any school except in the school district of his residence,
 17 unless such child be lawfully transferred from the school district
 18 of his residence to a school in another school district in accord
 19 with the statutes of this state * * *.

20 (2) Those children whose parent(s) or legal guardian(s) are
 21 instructional personnel or * * * licensed employees of a school
 22 district may, at such employee's discretion, enroll and attend the



23 school or schools of their parent's or legal guardian's employment
24 regardless of the residence of the child.

25 (3) No child shall be required to be transported in excess
26 of thirty (30) miles on a school bus from his or her home to
27 school, or in excess of thirty (30) miles from school to his or
28 her home, if there is another school in an adjacent school
29 district located on a shorter school bus transportation route by
30 the nearest traveled road. Those children residing in such
31 geographical situations may, at the discretion of their parent(s)
32 or legal guardian(s), enroll and attend the nearer school,
33 regardless of the residence of the child. In the event the parent
34 or legal guardian of such child and the school board are unable to
35 agree on the school bus mileage required to transport the child
36 from his or her home to school, an appeal shall lie to the State
37 Board of Education, or its designee, whose decision shall be
38 final. The school districts involved in the appeal shall provide
39 the Mississippi Department of Education with any school bus route
40 information requested, including riding the buses as necessary, in
41 order to measure the bus routes in question, as needed by the
42 State Board of Education in considering the appeal.

43 (4) * * * The brother(s) and sister(s) of children lawfully
44 transferred from the school district of * * * their residence to a
45 school in another school district * * *, may, also at the
46 discretion of their parent(s) or legal guardian(s), continue to
47 enroll and attend school in the transferee school district.



48 Provided further, that the brother(s) and sister(s) of said
49 children lawfully transferred prior to July 1, 1992, may also, at
50 the discretion of their parent(s) or legal guardian(s), enroll and
51 attend school in the transferee school district.

52 (5) Those children whose parent(s) or legal guardian(s) are
53 active members of the United States Armed Forces or civilian
54 military personnel and reside on a military base, may, at the
55 discretion of their parent(s) or legal guardian(s), enroll and
56 attend the school district of their parent's or legal guardian's
57 choosing, regardless of the residence of the child, provided the
58 school district is where the student resides or * * * is an
59 adjacent school district and the parent's or guardian's choice of
60 school district does not violate the provision of subsection (3)
61 of this section prohibiting the transportation of students in
62 excess of thirty (30) miles.

63 (6) The State Board of Education shall adopt a policy
64 establishing uniform residency requirements for children enrolled
65 in and in attendance at public schools, which policy must be
66 implemented and adhered to by all local school boards. The
67 adoption of this policy by the State Board of Education shall not
68 abrogate, in any manner, the right of any parent or legal guardian
69 of a child to legally transfer the child to another school
70 district as authorized under this section and Section 37-15-31.
71 However, if the parent or legal guardian chooses to legally
72 transfer the child, the parent or legal guardian and the school



73 boards involved in the transfer must comply with the requirements
74 of Section 37-15-31 and the policy adopted by the State Board of
75 Education pursuant to this subsection.

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

78 37-15-31. (1) (a) Except as provided in subsections (2)
79 through (5) of this section, upon the petition in writing of a
80 parent or guardian resident of the school district of an
81 individual student filed or lodged with the president or secretary
82 of the school board of a school district in which the pupil has
83 been enrolled or is qualified to be enrolled as a student under
84 Section 37-15-9, or upon the aforesaid petition or the initiative
85 of the school board of a school district as to the transfer of a
86 grade or grades, individual students living in one school district
87 or a grade or grades of a school within the districts may be
88 legally transferred to another school district, by the mutual
89 consent of the school boards of all school districts concerned,
90 which consent must be given in writing and spread upon the minutes
91 of such boards.

92 (b) The school board of the transferring school
93 district to which such petition may be addressed shall act thereon
94 not later than its next regular meeting subsequent to the filing
95 or lodging of the petition, and a failure to act within that time
96 shall constitute a rejection of such request. The school board of
97 the other school district involved (the transferee board) shall



98 act on such request for transfer as soon as possible after the
99 transferor board shall have approved or rejected such transfer and
100 no later than the next regular meeting of the transferee board,
101 and a failure of such transferee board to act within such time
102 shall constitute a rejection of such request. If such a transfer
103 is approved by the transferee board, then such decision shall be
104 final. If such a transfer should be refused by the school board
105 of either school district, then such decision shall be final.

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

109 (2) (a) Upon the petition in writing of any parent or
110 guardian who is a resident of Mississippi and is an instructional
111 or licensed employee of a school district, but not a resident of
112 such district, the school board of the employer school district
113 shall consent to the transfer of such employee's dependent
114 school-age children to its district and shall spread the same upon
115 the minutes of the board. Upon the petition in writing of any
116 parent or guardian who is not a resident of Mississippi and who is
117 an instructional or licensed employee of a school district in
118 Mississippi, the school board of the employer school district
119 shall consent to the transfer of such employee's dependent
120 school-age children to its district and shall spread the same upon
121 the minutes of the board.



122 (b) The school board of any school district, in its
123 discretion, may adopt a uniform policy to allow the enrollment and
124 attendance of the dependent children of noninstructional and
125 nonlicensed employees, who are residents of Mississippi but are
126 not residents of their district. Such policy shall be based upon
127 the employment needs of the district, implemented according to job
128 classification groups and renewed each school year.

129 (c) The employer transferee school district shall
130 notify in writing the school district from which the pupil or
131 pupils are transferring, and the school board of the transferor
132 school district shall spread the same upon its minutes.

133 (d) Any such agreement by school boards for the legal
134 transfer of a student shall include a provision providing for the
135 transportation of the student. In the absence of such a provision
136 the responsibility for transporting the student to the transferee
137 school district shall be that of the parent or guardian.

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

142 (3) Upon the petition in writing of any parent or legal
143 guardian of a school-age child who is a resident of an adjacent
144 school district residing in the geographical situation described
145 in Section 37-15-29(3), the school board of the school district
146 operating the school located in closer proximity to the residence



147 of the child shall consent to the transfer of the child to its
148 district, and shall spread the same upon the minutes of the board.
149 Any such agreement by school boards for the legal transfer of a
150 student under this subsection shall include a provision for the
151 transportation of the student by either the transferor or the
152 transferee school district. In the event that either the school
153 board of the transferee or the transferor school district shall
154 object to the transfer, it shall have the right to appeal to the
155 State Board of Education whose decision shall be final. However,
156 if the school boards agreeing on the legal transfer of any student
157 shall fail to agree on which district shall provide
158 transportation, the responsibility for transporting the student to
159 the transferee school district shall be that of the parent or
160 guardian.

161 (4) Upon the petition in writing of any parent or legal
162 guardian of a school-age child who was lawfully transferred to
163 another school district * * * as described in Section 37-15-29(4),
164 the school board of the transferee school district shall consent
165 to the transfer of such child and the transfer of any school-age
166 brother and sister of such child to its district, and shall spread
167 the same upon the minutes of the board.

168 (5) (a) If the board of trustees of a municipal separate
169 school district with added territory does not have a member who is
170 a resident of the added territory outside the corporate limits,
171 upon the petition in writing of any parent or legal guardian of a



172 school-age child who is a resident of the added territory outside
173 the corporate limits, the board of trustees of the municipal
174 separate school district and the school board of the school
175 district adjacent to the added territory shall consent to the
176 transfer of the child from the municipal separate school district
177 to the adjacent school district. The agreement must be spread
178 upon the minutes of the board of trustees of the municipal
179 separate school district and the school board of the adjacent
180 school district. The agreement must provide for the
181 transportation of the student. In the absence of such a
182 provision, the parent or legal guardian shall be responsible for
183 transporting the student to the adjacent school district. Any
184 school district that accepts a student under this subsection may
185 not assess any tuition fees against the transferring student.

186 (b) Before September 1 of each year, the board of
187 trustees of the municipal separate school district shall certify
188 to the State Department of Education the number of students in the
189 added territory of the municipal separate school district who are
190 transferred to the adjacent school district under this subsection.
191 The municipal separate school district also shall certify the
192 total number of students in the school district residing in the
193 added territory plus the number of those students who are
194 transferred to the adjacent school district. Based upon these
195 figures, the department shall calculate the percentage of the
196 total number of students in the added territory who are



197 transferred to the adjacent school district and shall certify this
198 percentage to the levying authority for the municipal separate
199 school district. The levying authority shall remit to the school
200 board of the adjacent school district, from the proceeds of the ad
201 valorem taxes collected for the support of the municipal separate
202 school district from the added territory of the municipal separate
203 school district, an amount equal to the percentage of the total
204 number of students in the added territory who are transferred to
205 the adjacent school district.

206 **SECTION 3.** This act shall take effect and be in force from
207 and after July 1, 2018.

