

By: Representative Shirley

To: Education; Ways and Means

HOUSE BILL NO. 294

1 AN ACT TO AMEND SECTION 37-15-31, MISSISSIPPI CODE OF 1972,
 2 TO REQUIRE THE BOARDS OF TRUSTEES OF CERTAIN TRANSFERRING SCHOOL
 3 DISTRICTS AND CERTAIN RECEIVING SCHOOL DISTRICTS TO CERTIFY TO THE
 4 STATE BOARD OF EDUCATION THE NUMBER OF STUDENTS TRANSFERRED TO
 5 ANOTHER SCHOOL DISTRICT FROM THE DISTRICT OF RESIDENCE FOR
 6 PURPOSES OF CALCULATING THE PER PUPIL PRO RATA SHARE OF LOCAL AD
 7 VALOREM SCHOOL DISTRICT MAINTENANCE FUNDS TO BE REMITTED TO THE
 8 RECEIVING SCHOOL DISTRICT; TO AMEND SECTION 37-57-107, MISSISSIPPI
 9 CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 37-15-31, Mississippi Code of 1972, is
 12 amended as follows:

13 37-15-31. (1) (a) Except as provided in subsections (2)
 14 through (5) of this section, upon the petition in writing of a
 15 parent or guardian resident of the school district of an
 16 individual student filed or lodged with the president or secretary
 17 of the school board of a school district in which the pupil has
 18 been enrolled or is qualified to be enrolled as a student under
 19 Section 37-15-9, or upon the aforesaid petition or the initiative
 20 of the school board of a school district as to the transfer of a
 21 grade or grades, individual students living in one school district



22 or a grade or grades of a school within the districts may be
23 legally transferred to another school district, by the mutual
24 consent of the school boards of all school districts concerned,
25 which consent must be given in writing and spread upon the minutes
26 of such boards.

27 (b) The school board of the transferring school
28 district to which such petition may be addressed shall act thereon
29 not later than its next regular meeting subsequent to the filing
30 or lodging of the petition, and a failure to act within that time
31 shall constitute a rejection of such request. The school board of
32 the other school district involved (the transferee board) shall
33 act on such request for transfer as soon as possible after the
34 transferor board shall have approved or rejected such transfer and
35 no later than the next regular meeting of the transferee board,
36 and a failure of such transferee board to act within such time
37 shall constitute a rejection of such request. If such a transfer
38 is approved by the transferee board, then such decision shall be
39 final. If such a transfer should be refused by the school board
40 of either school district, then such decision shall be final.

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

44 (d) Before September 1 of each year, the board of
45 trustees of the receiving school district shall certify to the
46 State Department of Education the number of students enrolled in



47 the school district who are transferred from the school district
48 of residence under this subsection. The transferring school
49 district also shall certify the total number of students residing
50 in the school district enrolled therein in addition to the number
51 of those students who are transferring to a different school
52 district, yet continue to reside in the transferring school
53 district. Based upon these figures, the department shall
54 calculate the percentage of the total number of students in the
55 school district of residence who are transferred to a different
56 school district and shall certify this percentage to the levying
57 authority for the transferring school district. The levying
58 authority shall remit to the school board of the receiving school
59 district, from the proceeds of the ad valorem taxes collected for
60 the support of the transferring school district, an amount equal
61 to the percentage of the total number of students in the
62 transferring school district who are transferred to a different
63 school district.

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



72 an instructional or licensed employee of a school district in
73 Mississippi, the school board of the employer school district
74 shall consent to the transfer of such employee's dependent
75 school-age children to its district and shall spread the same upon
76 the minutes of the board.

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

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

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

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



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

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



121 transfer of any school-age brother and sister of such child to its
122 district, and shall spread the same upon the minutes of the board.

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

141 (b) Before September 1 of each year, the board of
142 trustees of the municipal separate school district shall certify
143 to the State Department of Education the number of students in the
144 added territory of the municipal separate school district who are
145 transferred to the adjacent school district under this subsection.



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

161 **SECTION 2.** Section 37-57-107, Mississippi Code of 1972, is
162 amended as follows:

163 37-57-107. (1) Beginning with the tax levy for the 1997
164 fiscal year and for each fiscal year thereafter, the aggregate
165 receipts from taxes levied for school district purposes pursuant
166 to Sections 37-57-105 and 37-57-1 shall not exceed the aggregate
167 receipts from those sources during any one (1) of the immediately
168 preceding three (3) fiscal years, as determined by the school
169 board, plus an increase not to exceed seven percent (7%). For the
170 purpose of this limitation, the term "aggregate receipts" when



171 used in connection with the amount of funds generated in a
172 preceding fiscal year shall not include excess receipts required
173 by law to be deposited into a special account. However, the term
174 "aggregate receipts" includes any receipts required by law to be
175 paid to a charter school. The additional revenue from the ad
176 valorem tax on any newly constructed properties or any existing
177 properties added to the tax rolls or any properties previously
178 exempt which were not assessed in the next preceding year may be
179 excluded from the seven percent (7%) increase limitation set forth
180 herein. Taxes levied for payment of principal of and interest on
181 general obligation school bonds issued heretofore or hereafter
182 shall be excluded from the seven percent (7%) increase limitation
183 set forth herein. Any additional millage levied to fund any new
184 program mandated by the Legislature shall be excluded from the
185 limitation for the first year of the levy and included within such
186 limitation in any year thereafter. For the purposes of this
187 section, the term "new program" shall include, but shall not be
188 limited to, (a) the Early Childhood Education Program required to
189 commence with the 1986-1987 school year as provided by Section
190 37-21-7 and any additional millage levied and the revenue
191 generated therefrom, which is excluded from the limitation for the
192 first year of the levy, to support the mandated Early Childhood
193 Education Program shall be specified on the minutes of the school
194 board and of the governing body making such tax levy; (b) any
195 additional millage levied and the revenue generated therefrom



196 which shall be excluded from the limitation for the first year of
197 the levy, for the purpose of generating additional local
198 contribution funds required for the adequate education program for
199 the 2003 fiscal year and for each fiscal year thereafter under
200 Section 37-151-7(2); and (c) any additional millage levied and the
201 revenue generated therefrom which shall be excluded from the
202 limitation for the first year of the levy, for the purpose of
203 support and maintenance of any agricultural high school which has
204 been transferred to the control, operation and maintenance of the
205 school board by the board of trustees of the community college
206 district under provisions of Section 37-29-272.

207 (2) The seven percent (7%) increase limitation prescribed in
208 this section may be increased an additional amount only when the
209 school board has determined the need for additional revenues and
210 has held an election on the question of raising the limitation
211 prescribed in this section. The limitation may be increased only
212 if three-fifths (3/5) of those voting in the election shall vote
213 for the proposed increase. The resolution, notice and manner of
214 holding the election shall be as prescribed by law for the holding
215 of elections for the issuance of bonds by the respective school
216 boards. Revenues collected for the fiscal year in excess of the
217 seven percent (7%) increase limitation pursuant to an election
218 shall be included in the tax base for the purpose of determining
219 aggregate receipts for which the seven percent (7%) increase
220 limitation applies for subsequent fiscal years.



221 (3) Except as otherwise provided for excess revenues
222 generated pursuant to an election, if revenues collected as the
223 result of the taxes levied for the fiscal year pursuant to this
224 section and Section 37-57-1 exceed the increase limitation, then
225 it shall be the mandatory duty of the school board of the school
226 district to deposit such excess receipts over and above the
227 increase limitation into a special account and credit it to the
228 fund for which the levy was made. It will be the further duty of
229 such board to hold said funds and invest the same as authorized by
230 law. Such excess funds shall be calculated in the budgets for the
231 school districts for the purpose for which such levies were made,
232 for the succeeding fiscal year. Taxes imposed for the succeeding
233 year shall be reduced by the amount of excess funds available.
234 Under no circumstances shall such excess funds be expended during
235 the fiscal year in which such excess funds are collected.

236 (4) For the purposes of determining ad valorem tax receipts
237 for a preceding fiscal year under this section, the term "fiscal
238 year" means the fiscal year beginning October 1 and ending
239 September 30.

240 (5) Beginning with the 2013-2014 school year, each school
241 district in which a charter school is located shall pay to the
242 charter school an amount for each student enrolled in the charter
243 school equal to the ad valorem taxes levied per pupil for the
244 support of the school district in which the charter school is
245 located. The pro rata ad valorem taxes to be transferred to the



246 charter school must include all levies for the support of the
247 school district under Sections 37-57-1 (local contribution to the
248 adequate education program) and 37-57-105 (school district
249 operational levy) but may not include any taxes levied for the
250 retirement of school district bonded indebtedness or short-term
251 notes or any taxes levied for the support of vocational-technical
252 education programs. Payments made pursuant to this subsection by
253 a school district to a charter school must be made before the
254 expiration of three (3) business days after the funds are
255 distributed to the school district.

256 (6) Beginning with the 2018-2019 school year, in accordance
257 with Section 37-15-31(1)(d), each school district from which a
258 resident student transfers shall pay to the receiving school
259 district an amount for each student enrolled in the receiving
260 school district equal to the ad valorem taxes levied per pupil for
261 the support of the transferring school district in which the
262 student resides. The pro rata ad valorem taxes to be transferred
263 to the receiving school district must include all levies for the
264 support of the school district under Sections 37-57-1 (local
265 contribution to the adequate education program) and 37-57-105
266 (school district operational levy) but may not include any taxes
267 levied for the retirement of school district bonded indebtedness
268 or short-term notes or any taxes levied for the support of
269 vocational-technical education programs. Payments made in
270 accordance with this subsection by a transferring school district



271 to a receiving school district must be made before the expiration
272 of three (3) business days after the funds are distributed to the
273 school district.

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

