

By: Representatives Arnold, Boyd

To: Education

HOUSE BILL NO. 714

1 AN ACT TO AMEND SECTIONS 37-15-29 AND 37-15-31, MISSISSIPPI  
2 CODE OF 1972, TO AUTHORIZE THE TRANSFER OF A STUDENT TO A SCHOOL  
3 OF CHOICE THAT IS LOCATED IN A SCHOOL DISTRICT OTHER THAN THE  
4 STUDENT'S DISTRICT OF RESIDENCE UPON THE PETITION OF THE PARENT OR  
5 GUARDIAN OF THE STUDENT; TO PROVIDE THAT TRANSPORTATION OF A  
6 STUDENT TO A TRANSFEREE SCHOOL IN A SCHOOL DISTRICT OTHER THAN THE  
7 DISTRICT IN WHICH THE STUDENT AND HIS PARENT RESIDE IS THE  
8 RESPONSIBILITY OF THE STUDENT'S PARENT; TO AMEND SECTION  
9 37-151-93, MISSISSIPPI CODE OF 1972, TO PROHIBIT A SCHOOL DISTRICT  
10 ACCEPTING A STUDENT FROM ANOTHER SCHOOL DISTRICT UNDER OPEN  
11 ENROLLMENT FROM CHARGING THE STUDENT TUITION FEES, AND TO REQUIRE  
12 A STUDENT'S DISTRICT OF RESIDENCE TO PAY LOCAL MAINTENANCE FUNDS  
13 TO THE SCHOOL DISTRICT IN WHICH THE STUDENT IS ENROLLED; TO AMEND  
14 SECTION 37-15-13, MISSISSIPPI CODE OF 1972, TO AUTHORIZE A STUDENT  
15 TO ATTEND A DIFFERENT SCHOOL FROM THE SCHOOL TO WHICH THE STUDENT  
16 IS ASSIGNED WITHIN THE STUDENT'S SCHOOL DISTRICT OF RESIDENCE; AND  
17 FOR RELATED PURPOSES.

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

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

21 37-15-29. (1) Except as provided in subsections (2) \* \* \*  
22 through (6) of this section, no minor child may enroll in or  
23 attend any school except in the school district of his residence,  
24 unless such child be lawfully transferred from the school district  
25 of his residence to a school in another school district in accord



26 with the statutes of this state now in effect or which may be  
27 hereafter enacted.

28 (2) Those children whose parent(s) or legal guardian(s) are  
29 instructional personnel or \* \* \* licensed employees of a school  
30 district may, at such employee's discretion, enroll and attend the  
31 school or schools of their parent's or legal guardian's employment  
32 regardless of the residence of the child.

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



51 (4) The brother(s) and sister(s) of those children lawfully  
52 transferred from the school district of \* \* \* their residence to a  
53 school in another school district prior to July 1, 1992, \* \* \*  
54 may \* \* \*, at the discretion of their parent(s) or legal  
55 guardian(s), continue to enroll and attend school in the  
56 transferee school district.

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

67 (6) Those children who are attending a school in a school  
68 district in this state may transfer to the school of the parent's  
69 choice in another school district if the transferee school  
70 district accepts enrollment, subject to available capacity in the  
71 transferee school, in the manner provided in Section 37-15-31.

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

74 37-15-31. (1) **Transfer of entire grade or grades.** (a)

75 \* \* \* Upon the petition in writing of a parent or guardian



76 resident of the school district \* \* \* or the initiative of the  
77 school board of a school district, \* \* \* a grade or grades of a  
78 school within the districts may be legally transferred to another  
79 school district, by the mutual consent of the school boards of all  
80 school districts concerned, which consent must be given in writing  
81 and spread upon the minutes of such boards.

82 (b) The school board of the transferring school  
83 district to which such petition may be addressed shall act thereon  
84 not later than its next regular meeting subsequent to the filing  
85 or lodging of the petition, and a failure to act within that time  
86 shall constitute a rejection of such request. The school board of  
87 the other school district involved (the transferee board) shall  
88 act on such request for the transfer of a grade or grades as soon  
89 as possible after the transferor board shall have approved \* \* \*  
90 such transfer and no later than the next regular meeting of the  
91 transferee board, and a failure of such transferee board to act  
92 within such time shall constitute a rejection of such request. If  
93 such a transfer is approved by the transferee board, then such  
94 decision shall be final. If such a transfer should be refused by  
95 the school board of either school district, then such decision  
96 shall be final.

97 \* \* \*

98 (2) **Transfer of school district employee's child.** (a) Upon  
99 the petition in writing of any parent or guardian who is a  
100 resident of Mississippi and is an instructional or licensed



101 employee of a school district, but not a resident of such  
102 district, the school board of the employer school district shall  
103 consent to the transfer of such employee's dependent school-age  
104 children to its district and shall spread the same upon the  
105 minutes of the board. Upon the petition in writing of any parent  
106 or guardian who is not a resident of Mississippi and who is an  
107 instructional or licensed employee of a school district in  
108 Mississippi, the school board of the employer school district  
109 shall consent to the transfer of such employee's dependent  
110 school-age children to its district and shall spread the same upon  
111 the minutes of the board.

112 (b) The school board of any school district, in its  
113 discretion, may adopt a uniform policy to allow the enrollment and  
114 attendance of the dependent children of noninstructional and  
115 nonlicensed employees, who are residents of Mississippi but are  
116 not residents of their district. Such policy shall be based upon  
117 the employment needs of the district, implemented according to job  
118 classification groups and renewed each school year.

119 (c) The employer transferee school district shall  
120 notify in writing the school district from which the pupil or  
121 pupils are transferring, and the school board of the transferor  
122 school district shall spread the same upon its minutes.

123 (d) Any such agreement by school boards for the legal  
124 transfer of a student shall include a provision providing for the  
125 transportation of the student. In the absence of such a provision



126 the responsibility for transporting the student to the transferee  
127 school district shall be that of the parent or guardian.

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

132 (3) **Transfer of child to closer school in adjacent school**  
133 **district.** Upon the petition in writing of any parent or legal  
134 guardian of a school-age child who is a resident of an adjacent  
135 school district residing in the geographical situation described  
136 in Section 37-15-29(3), the school board of the school district  
137 operating the school located in closer proximity to the residence  
138 of the child shall consent to the transfer of the child to its  
139 district, and shall spread the same upon the minutes of the board.  
140 Any such agreement by school boards for the legal transfer of a  
141 student under this subsection shall include a provision for the  
142 transportation of the student by either the transferor or the  
143 transferee school district. In the event that either the school  
144 board of the transferee or the transferor school district shall  
145 object to the transfer, it shall have the right to appeal to the  
146 State Board of Education whose decision shall be final. However,  
147 if the school boards agreeing on the legal transfer of any student  
148 shall fail to agree on which district shall provide  
149 transportation, the responsibility for transporting the student to



150 the transferee school district shall be that of the parent or  
151 guardian.

152 (4) **Transfer of siblings of students lawfully transferred**  
153 **before July 1, 1992.** Upon the petition in writing of any parent  
154 or legal guardian of a school-age child who is the brother or  
155 sister of a person who was lawfully transferred to another school  
156 district prior to July 1, 1992, as described in Section  
157 37-15-29(4), the school board of the transferee school district  
158 shall consent to the \* \* \* transfer of \* \* \* the school-age  
159 brother and sister \* \* \* to its district, and shall spread the  
160 same upon the minutes of the board.

161 (5) **Transfer of student from added territory of municipal**  
162 **separate school district with no board member residing in added**  
163 **territory.** (a) If the board of trustees of a municipal separate  
164 school district with added territory does not have a member who is  
165 a resident of the added territory outside the corporate limits,  
166 upon the petition in writing of any parent or legal guardian of a  
167 school-age child who is a resident of the added territory outside  
168 the corporate limits, the board of trustees of the municipal  
169 separate school district and the school board of the school  
170 district adjacent to the added territory shall consent to the  
171 transfer of the child from the municipal separate school district  
172 to the adjacent school district. The agreement must be spread  
173 upon the minutes of the board of trustees of the municipal  
174 separate school district and the school board of the adjacent



175 school district. The agreement must provide for the  
176 transportation of the student. In the absence of such a  
177 provision, the parent or legal guardian shall be responsible for  
178 transporting the student to the adjacent school district. Any  
179 school district that accepts a student under this subsection may  
180 not assess any tuition fees against the transferring student.

181 (b) Before September 1 of each year, the board of  
182 trustees of the municipal separate school district shall certify  
183 to the State Department of Education the number of students in the  
184 added territory of the municipal separate school district who are  
185 transferred to the adjacent school district under this subsection.  
186 The municipal separate school district also shall certify the  
187 total number of students in the school district residing in the  
188 added territory plus the number of those students who are  
189 transferred to the adjacent school district. Based upon these  
190 figures, the department shall calculate the percentage of the  
191 total number of students in the added territory who are  
192 transferred to the adjacent school district and shall certify this  
193 percentage to the levying authority for the municipal separate  
194 school district. The levying authority shall remit to the school  
195 board of the adjacent school district, from the proceeds of the ad  
196 valorem taxes collected for the support of the municipal separate  
197 school district from the added territory of the municipal separate  
198 school district, an amount equal to the percentage of the total





199 number of students in the added territory who are transferred to  
200 the adjacent school district.

201 (6) Open enrollment in school district other than child's  
202 district of residence. (a) Any parent or legal guardian of a  
203 school-age child in Mississippi may seek to enroll the child in a  
204 public school that is not the child's district of residence in the  
205 manner provided in this subsection. A parent or legal guardian of  
206 a school-age child seeking enrollment in a school in a school  
207 district other than the child's district of residence must submit  
208 a petition to the president or secretary of the school board of  
209 the school district in which the child's enrollment is sought  
210 (transferee district) requesting that the child be allowed to  
211 enroll in the school named in the petition. The school board of  
212 the transferee district shall act on such request for the transfer  
213 as soon as possible after the request is received, and a failure  
214 to act no later than the next regular meeting of the transferee  
215 board constitutes a rejection of the request. The school board of  
216 the transferee district, in its discretion, may consent to the  
217 transfer of the child, which consent must be recorded in the  
218 minutes of the board. The transferee district shall transmit a  
219 copy of the pertinent part of the school board minutes documenting  
220 its consent to the student's transfer to the school board of the  
221 school district in which the child resides.

222 (b) The decision to consent to the enrollment of a  
223 school-age child in a school that is not in the child's district



224 of residence is in the sole discretion of the school board of the  
225 transferee school district and is subject to the available  
226 capacity in the transferee school, as determined by the school  
227 board of the transferee district. The selection of students  
228 desiring to transfer to a school in the transferee school district  
229 must be done on a random basis by the school board of the  
230 transferee district.

231 (c) The responsibility for transporting a child who  
232 resides with his parent or legal guardian to a school located in a  
233 school district which is not the child's district of residence is  
234 that of the child's parent or legal guardian.

235 (d) If the school board of a transferee district  
236 objects to the enrollment of a school-age child who is not a  
237 resident of that school district, the parent or legal guardian of  
238 the child may appeal to the State Board of Education, whose  
239 decision shall be final.

240 (7) A local school board may not recognize any legal  
241 guardianship that is formed for the purpose of establishing a  
242 child's residency for school district attendance purposes.

243 **SECTION 3.** Section 37-151-93, Mississippi Code of 1972, is  
244 amended as follows:

245 37-151-93. (1) Legally transferred students going from one  
246 school district to another shall be counted for adequate education  
247 program allotments by the school district wherein the pupils  
248 attend school, but shall be counted for transportation allotment



249 purposes in the school district which furnishes or provides the  
250 transportation. \* \* \* Except as otherwise provided in subsection  
251 (2) of this section, the school boards of the school districts  
252 which approve the transfer of a student under the provisions of  
253 Section 37-15-31 shall enter into an agreement and contract for  
254 the payment or nonpayment of any portion of their local  
255 maintenance funds which they deem fair and equitable in support of  
256 any transferred student \* \* \*, and local maintenance funds shall  
257 be transferred only to the extent specified in the agreement and  
258 contract entered into by the affected school districts. The terms  
259 of any local maintenance fund payment transfer contract shall be  
260 spread upon the minutes of both of the affected school district  
261 school boards. \* \* \* No school district accepting any transfer  
262 students under the provisions of Section 37-15-31(2), which  
263 provides for the transfer of certain school district employee  
264 dependents, shall be authorized to charge such transfer students  
265 any tuition fees. A school district accepting a student who does  
266 not reside within that school district through open enrollment, as  
267 authorized under Section 37-15-31(6), may not charge the student  
268 any tuition fees.

269 (2) Local maintenance funds shall be paid by the home school  
270 district to the transferee school district for students granted  
271 transfers under the provisions of Sections 37-15-29(3) and (6) and  
272 37-15-31(3) and (6), \* \* \* not to exceed the "base student cost"



273 as defined in Section 37-151-5, \* \* \* multiplied by the number of  
274 such legally transferred students.

275 **SECTION 4.** Section 37-15-13, Mississippi Code of 1972, is  
276 amended as follows:

277 37-15-13. When any child qualified under the requirements of  
278 Section 37-15-9 shall apply or present himself for enrollment in  
279 or admission to the public schools of any school district of this  
280 state, the school board of such school district shall have the  
281 power and authority to designate the particular school or  
282 attendance center of the district in which such child shall be  
283 enrolled and which he shall attend; however, no enrollment of a  
284 child in a school shall be final or permanent until such  
285 designation shall be made by \* \* \* the school board. No child  
286 shall be entitled to attend any school or attendance center except  
287 that to which he has been assigned by the school board; however,  
288 upon the request of a child's parent or legal guardian, the \* \* \*  
289 school district superintendent, in his discretion, may consent to  
290 the enrollment of the child in another school or attendance center  
291 in the school district, subject to ratification of the  
292 superintendent's consent by the school board, which must be  
293 recorded in the minutes of the school board.

294 **SECTION 5.** This act shall take effect and be in force from  
295 and after July 1, 2018.

