

By: Representative Rushing

To: Education

HOUSE BILL NO. 1032

1 AN ACT TO AMEND SECTION 37-15-29, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE THE PARENT OR LEGAL GUARDIAN OF A CHILD WHOSE
3 RESIDENCE IS IN EXCESS OF 30 MILES FROM THE SCHOOL OF ATTENDANCE
4 IN THE RESIDENT DISTRICT TO TRANSFER THE CHILD TO SCHOOL IN AN
5 ADJACENT SCHOOL DISTRICT THAT IS NEARER TO THE CHILD'S RESIDENCE;
6 TO PROVIDE THAT A PARENT SHALL NOT BE REQUIRED TO SUBMIT A
7 PETITION OF TRANSFER TO THE LOCAL SCHOOL BOARD OF THE DISTRICT TO
8 WHICH THE STUDENT IS TO BE TRANSFERRED; TO PRESCRIBE WHAT SHALL BE
9 REQUIRED TO BE SUBMITTED TO THE LOCAL SCHOOL BOARD OF THE
10 TRANSFEREE DISTRICT WHEN ENROLLING THE CHILD FOR ATTENDANCE; TO
11 PROVIDE THAT THE LOCAL SCHOOL BOARD OF THE TRANSFEREE DISTRICT
12 SHALL ONLY REJECT SUCH TRANSFER IF THERE IS NOT SUFFICIENT SPACE
13 IN THE SCHOOL TO ACCOMMODATE THE ATTENDANCE OF THE TRANSFERRING
14 CHILD; TO PROVIDE THAT THE TRANSFEREE DISTRICT MUST HAVE AN
15 ACCOUNTABILITY RATING EQUAL TO OR GREATER THAN THE DISTRICT OF
16 RESIDENCE; TO AUTHORIZE THE LOCAL SCHOOL BOARD TO PROVIDE AN
17 OPTION TO ATTEND ANOTHER SCHOOL OF THE APPROPRIATE GRADE LEVEL IN
18 THE DISTRICT IF SUCH SCHOOL IS ALSO CLOSER THAN THE SCHOOL OF
19 APPROPRIATE GRADE LEVEL IN THE DISTRICT OF RESIDENCE; TO PROVIDE
20 THAT ANY CHILD LAWFULLY TRANSFERRED FROM THE SCHOOL DISTRICT OF
21 HIS RESIDENCE TO A SCHOOL IN ANOTHER SCHOOL DISTRICT SHALL
22 CONTINUE TO BE ENROLLED AND ATTEND SCHOOL IN THE TRANSFEREE
23 DISTRICT; TO PROVIDE THAT THE SIBLINGS OF ANY CHILD LAWFULLY
24 TRANSFERRED MAY BE ENROLLED AND ATTEND SCHOOLS IN THE DISTRICT AT
25 THE DISCRETION OF THE PARENT OR LEGAL GUARDIAN; TO AMEND SECTION
26 37-15-31, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING
27 PROVISIONS; TO AMEND SECTION 37-41-13, MISSISSIPPI CODE OF 1972,
28 TO REQUIRE THE STATE DEPARTMENT OF EDUCATION DEVELOP A TOOL TO BE
29 USED BY LOCAL SCHOOL DISTRICTS TO LAY OUT TRANSPORTATION ROUTES IN
30 ORDER TO PROVIDE A UNIFORM SYSTEM OF CALCULATING DISTANCES FROM
31 EACH SCHOOL TO THE RESIDENCE OF CHILDREN ENROLLED THEREIN ENTITLED
32 TO SCHOOL BUS TRANSPORTATION; TO BRING FORWARD SECTION 37-41-7,
33 MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENTS;
34 AND FOR RELATED PURPOSES.



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

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

38 37-15-29. (1) Except as provided in subsections (2), (3),
39 (4) and (5) of this section, no minor child may enroll in or
40 attend any school except in the school district of his residence,
41 unless such child be lawfully transferred from the school district
42 of his residence to a school in another school district in accord
43 with the statutes of this state now in effect or which may be
44 hereafter enacted.

45 (2) Those children whose parent(s) or legal guardian(s) are
46 instructional personnel or certificated employees of a school
47 district may at such employee's discretion enroll and attend the
48 school or schools of their parent's or legal guardian's employment
49 regardless of the residence of the child.

50 (3) (a) No child shall be required to be transported in
51 excess of thirty (30) miles on a school bus from his or her home
52 to school, or in excess of thirty (30) miles from school to his or
53 her home, if there is another school in an adjacent school
54 district located on a shorter * * * route by the nearest traveled
55 road. Those children residing in such geographical situations
56 may, at the discretion of their parent(s) or legal guardian(s),
57 enroll and attend the nearer school, regardless of the residence
58 of the child.



59 (b) The parent(s) or legal guardian(s) of a child
60 described in paragraph (a) of this subsection shall not be
61 required to submit a petition of transfer to the local school
62 board of the receiving school district (transferee district) as
63 prescribed under the provisions of Section 37-15-31(1)(a) and (b).
64 All that shall be required of the parent(s) or legal guardian(s)
65 of such child to be presented to the school board of transferee
66 district at the time of enrollment, if the transferee district has
67 an accountability rating equal to or greater than the district of
68 residence, is proof of residence and measurements of the
69 distances: (i) from the residence and the required school of
70 attendance in the district of residence and (ii) from the
71 residence to the nearest school of eligible attendance upon
72 enrollment in the transferee district. Lack of sufficient space
73 in the nearer school to accommodate the attendance of the
74 transferring child shall be the only grounds that the local school
75 board of the transferee district to reject the enrollment of a
76 child from an adjacent district whose residence is in excess of
77 thirty (30) miles from school to his or her home. However, the
78 transferee school district may allow the parent to enroll the
79 student in another school of the appropriate grade level within
80 the district provided that such school is also closer in distance
81 to the child's residence than the school of the appropriate grade
82 level within the child's district of residence and the transferee



83 district has an accountability rating equal to or greater than the
84 district of residence.

85 (c) Each school district accepting students
86 transferring in accordance with the provisions of this subsection
87 shall submit to the State Department of Education a statement of
88 capacity of such school district indicating the district's maximum
89 ability to receive and accommodate transferring students. Upon
90 receipt of the statement of capacity, the department shall verify
91 the information included in the statement and cause each school
92 district submitting a statement to provide notice on the school
93 district's website, of its maximum capacity for receiving
94 students. Each district submitting a capacity statement shall
95 ensure that each of the available seats verified shall be filled
96 by transfer students on a first-come, first-serve basis provided
97 that such transfer students have no disciplinary infractions which
98 would otherwise cause the student to be expelled or placed into an
99 alternative school setting.

100 (d) In the event the parent(s) or legal guardian(s) of
101 such child and the school board are unable to agree on the school
102 bus mileage required to transport the child from his or her home
103 to school, an appeal shall lie to the State Board of Education, or
104 its designee, whose decision shall be final. The school districts
105 involved in the appeal shall provide the Mississippi Department of
106 Education with any school bus route information requested,
107 including riding the buses as necessary, in order to measure the



108 bus routes in question, as needed by the State Board of Education
109 in considering the appeal.

110 (4) Those children lawfully transferred from the school
111 district of his residence to a school in another school
112 district * * * as provided for under this section, may, at the
113 discretion of their parent(s) or legal guardian(s), continue to
114 enroll and attend school in the transferee school district.
115 Provided further, that the brother(s) and sister(s) of * * * any
116 children lawfully transferred * * * as provided for under this
117 section, may also, at the discretion of their parent(s) or legal
118 guardian(s), enroll and attend school in the transferee school
119 district.

120 (5) Those children whose parent(s) or legal guardian(s) are
121 active members of the United States Armed Forces or civilian
122 military personnel and reside on a military base, may, at the
123 discretion of their parent(s) or legal guardian(s), enroll and
124 attend the school district of their parent's or legal guardian's
125 choosing, regardless of the residence of the child, provided the
126 school district where the student resides or in an adjacent school
127 district and the parent's or guardian's choice of school district
128 does not violate the provision of subsection (3) of this section
129 prohibiting the transportation of students in excess of thirty
130 (30) miles.

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



133 37-15-31. (1) (a) Except as provided in subsections (2)
134 through (5) of this section, upon the petition in writing of a
135 parent or guardian resident of the school district of an
136 individual student filed or lodged with the president or secretary
137 of the school board of a school district in which the pupil has
138 been enrolled or is qualified to be enrolled as a student under
139 Section 37-15-9, or upon the aforesaid petition or the initiative
140 of the school board of a school district as to the transfer of a
141 grade or grades, individual students living in one school district
142 or a grade or grades of a school within the districts may be
143 legally transferred to another school district, by the mutual
144 consent of the school boards of all school districts concerned,
145 which consent must be given in writing and spread upon the minutes
146 of such boards.

147 (b) The school board of the transferring school
148 district to which such petition may be addressed shall act thereon
149 not later than its next regular meeting subsequent to the filing
150 or lodging of the petition, and a failure to act within that time
151 shall constitute a rejection of such request. The school board of
152 the other school district involved (the transferee board) shall
153 act on such request for transfer as soon as possible after the
154 transferor board shall have approved or rejected such transfer and
155 no later than the next regular meeting of the transferee board,
156 and a failure of such transferee board to act within such time
157 shall constitute a rejection of such request. If such a transfer



158 is approved by the transferee board, then such decision shall be
159 final. If such a transfer should be refused by the school board
160 of either school district, then such decision shall be final.

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

164 (d) The provisions of this subsection shall not be
165 applicable to any transfer authorized under the provisions of
166 Section 37-15-29(3) and (4).

167 (2) (a) Upon the petition in writing of any parent or
168 guardian who is a resident of Mississippi and is an instructional
169 or licensed employee of a school district, but not a resident of
170 such district, the school board of the employer school district
171 shall consent to the transfer of such employee's dependent
172 school-age children to its district and shall spread the same upon
173 the minutes of the board. Upon the petition in writing of any
174 parent or guardian who is not a resident of Mississippi and who is
175 an instructional or licensed employee of a school district in
176 Mississippi, the school board of the employer school district
177 shall consent to the transfer of such employee's dependent
178 school-age children to its district and shall spread the same upon
179 the minutes of the board.

180 (b) The school board of any school district, in its
181 discretion, may adopt a uniform policy to allow the enrollment and
182 attendance of the dependent children of noninstructional and



183 nonlicensed employees, who are residents of Mississippi but are
184 not residents of their district. Such policy shall be based upon
185 the employment needs of the district, implemented according to job
186 classification groups and renewed each school year.

187 (c) The employer transferee school district shall
188 notify in writing the school district from which the pupil or
189 pupils are transferring, and the school board of the transferor
190 school district shall spread the same upon its minutes.

191 (d) Any such agreement by school boards for the legal
192 transfer of a student shall include a provision providing for the
193 transportation of the student. In the absence of such a provision
194 the responsibility for transporting the student to the transferee
195 school district shall be that of the parent or guardian.

196 * * *

197 (3) Upon the petition in writing of any parent or legal
198 guardian of a school-age child who is a resident of an adjacent
199 school district residing in the geographical situation described
200 in Section 37-15-29(3), the school board of the school district
201 operating the school located in closer proximity to the residence
202 of the child shall consent to the transfer of the child to its
203 district, and shall spread the same upon the minutes of the board.
204 Any such agreement by school boards for the legal transfer of a
205 student under this subsection shall include a provision for the
206 transportation of the student by either the transferor or the
207 transferee school district. In the event that either the school



208 board of the transferee or the transferor school district shall
209 object to the transfer, it shall have the right to appeal to the
210 State Board of Education whose decision shall be final. However,
211 if the school boards agreeing on the legal transfer of any student
212 shall fail to agree on which district shall provide
213 transportation, the responsibility for transporting the student to
214 the transferee school district shall be that of the parent or
215 guardian.

216 (4) Upon the petition in writing of any parent or legal
217 guardian of a school-age child who was lawfully transferred to
218 another school district prior to July 1, 1992, as described in
219 Section 37-15-29(4), the school board of the transferee school
220 district shall consent to the transfer of such child and the
221 transfer of any school-age brother and sister of such child to its
222 district, and shall spread the same upon the minutes of the board.

223 (5) (a) If the board of trustees of a municipal separate
224 school district with added territory does not have a member who is
225 a resident of the added territory outside the corporate limits,
226 upon the petition in writing of any parent or legal guardian of a
227 school-age child who is a resident of the added territory outside
228 the corporate limits, the board of trustees of the municipal
229 separate school district and the school board of the school
230 district adjacent to the added territory shall consent to the
231 transfer of the child from the municipal separate school district
232 to the adjacent school district. The agreement must be spread



233 upon the minutes of the board of trustees of the municipal
234 separate school district and the school board of the adjacent
235 school district. The agreement must provide for the
236 transportation of the student. In the absence of such a
237 provision, the parent or legal guardian shall be responsible for
238 transporting the student to the adjacent school district. Any
239 school district that accepts a student under this subsection may
240 not assess any tuition fees against the transferring student.

241 (b) Before September 1 of each year, the board of
242 trustees of the municipal separate school district shall certify
243 to the State Department of Education the number of students in the
244 added territory of the municipal separate school district who are
245 transferred to the adjacent school district under this subsection.
246 The municipal separate school district also shall certify the
247 total number of students in the school district residing in the
248 added territory plus the number of those students who are
249 transferred to the adjacent school district. Based upon these
250 figures, the department shall calculate the percentage of the
251 total number of students in the added territory who are
252 transferred to the adjacent school district and shall certify this
253 percentage to the levying authority for the municipal separate
254 school district. The levying authority shall remit to the school
255 board of the adjacent school district, from the proceeds of the ad
256 valorem taxes collected for the support of the municipal separate
257 school district from the added territory of the municipal separate



258 school district, an amount equal to the percentage of the total
259 number of students in the added territory who are transferred to
260 the adjacent school district.

261 **SECTION 3.** Section 37-41-13, Mississippi Code of 1972, is
262 amended as follows:

263 37-41-13. All routes shall be laid out so as to place all
264 pupils entitled to transportation within a reasonable distance of
265 same. No child entitled to transportation shall be required to
266 walk a greater distance than one mile to reach the vehicle of
267 transportation in the morning or to reach his home in the
268 afternoon. The State Department of Education shall develop a tool
269 to be used by local school districts to lay out transportation
270 routes in order to provide a uniform system of calculating
271 distances from each school to the residence of children enrolled
272 therein entitled to school bus transportation.

273 **SECTION 4.** Section 37-41-7, Mississippi Code of 1972, is
274 brought forward as follows:

275 37-41-7. The local school board is hereby authorized,
276 empowered and directed to lay out all transportation routes and
277 provide transportation for all school children who are entitled to
278 transportation within their respective counties and school
279 districts.

280 Any school district may, in the discretion of the school
281 board, expend funds from any funds available to the school
282 district other than minimum education program funds, including the



283 amounts derived from district tax levies, sixteenth section funds,
284 and all other available funds, for the purpose of supplementing
285 funds available to the school board for paying transportation
286 costs, not covered by minimum education program funds.

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

