

By: Representative Shirley

To: Education; Ways and Means

HOUSE BILL NO. 166

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 2019-2020 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, 2019.

