

By: Representative Shirley

To: Education

## HOUSE BILL NO. 445

1 AN ACT TO AMEND SECTION 37-15-31, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE A DECISION BY THE SCHOOL BOARDS OF TWO SCHOOL DISTRICTS  
3 TO APPROVE THE TRANSFER OF A STUDENT BETWEEN THOSE DISTRICTS TO  
4 REMAIN IN EFFECT UNTIL THE STUDENT'S HIGH SCHOOL GRADUATION UNLESS  
5 THE STUDENT'S RESIDENTIAL ADDRESS SUBSEQUENTLY CHANGES; AND FOR  
6 RELATED PURPOSES.

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

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

10 37-15-31. (1) (a) Except as provided in subsections (2)  
11 through (5) of this section, upon the petition in writing of a  
12 parent or guardian resident of the school district of an  
13 individual student filed or lodged with the president or secretary  
14 of the school board of a school district in which the pupil has  
15 been enrolled or is qualified to be enrolled as a student under  
16 Section 37-15-9, or upon the aforesaid petition or the initiative  
17 of the school board of a school district as to the transfer of a  
18 grade or grades, individual students living in one school district  
19 or a grade or grades of a school within the districts may be  
20 legally transferred to another school district, by the mutual



21 consent of the school boards of all school districts concerned,  
22 which consent must be given in writing and spread upon the minutes  
23 of such boards.

24 (b) The school board of the transferring school  
25 district to which such petition may be addressed shall act thereon  
26 not later than its next regular meeting subsequent to the filing  
27 or lodging of the petition, and a failure to act within that time  
28 shall constitute a rejection of such request. The school board of  
29 the other school district involved (the transferee board) shall  
30 act on such request for transfer as soon as possible after the  
31 transferor board shall have approved \* \* \* such transfer and no  
32 later than the next regular meeting of the transferee board, and a  
33 failure of such transferee board to act within such time shall  
34 constitute a rejection of such request. If such a transfer is  
35 approved by the transferee board, then such decision shall be  
36 final and shall remain in effect until the student's graduation  
37 from high school unless the student's residential address at the  
38 time the transfer is approved subsequently changes. If such a  
39 transfer should be refused by the school board of either school  
40 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 (2) (a) Upon the petition in writing of any parent or  
45 guardian who is a resident of Mississippi and is an instructional



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

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

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

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



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

73 (e) Any school district which accepts a student under  
74 the provisions of this subsection shall not assess any tuition  
75 fees upon such transferring student \* \* \*.

76 (3) Upon the petition in writing of any parent or legal  
77 guardian of a school-age child who is a resident of an adjacent  
78 school district residing in the geographical situation described  
79 in Section 37-15-29(3), the school board of the school district  
80 operating the school located in closer proximity to the residence  
81 of the child shall consent to the transfer of the child to its  
82 district, and shall spread the same upon the minutes of the board.  
83 Any such agreement by school boards for the legal transfer of a  
84 student under this subsection shall include a provision for the  
85 transportation of the student by either the transferor or the  
86 transferee school district. In the event that either the school  
87 board of the transferee or the transferor school district shall  
88 object to the transfer, it shall have the right to appeal to the  
89 State Board of Education whose decision shall be final. However,  
90 if the school boards agreeing on the legal transfer of any student  
91 shall fail to agree on which district shall provide  
92 transportation, the responsibility for transporting the student to  
93 the transferee school district shall be that of the parent or  
94 guardian.



95           (4) Upon the petition in writing of any parent or legal  
96 guardian of a school-age child who was lawfully transferred to  
97 another school district \* \* \* as described in Section 37-15-29(4),  
98 the school board of the transferee school district shall consent  
99 to the transfer of such child and the transfer of any school-age  
100 brother and sister of such child to its district, and shall spread  
101 the same upon the minutes of the board.

102           (5) (a) If the board of trustees of a municipal separate  
103 school district with added territory does not have a member who is  
104 a resident of the added territory outside the corporate limits,  
105 upon the petition in writing of any parent or legal guardian of a  
106 school-age child who is a resident of the added territory outside  
107 the corporate limits, the board of trustees of the municipal  
108 separate school district and the school board of the school  
109 district adjacent to the added territory shall consent to the  
110 transfer of the child from the municipal separate school district  
111 to the adjacent school district. The agreement must be spread  
112 upon the minutes of the board of trustees of the municipal  
113 separate school district and the school board of the adjacent  
114 school district. The agreement must provide for the  
115 transportation of the student. In the absence of such a  
116 provision, the parent or legal guardian shall be responsible for  
117 transporting the student to the adjacent school district. Any  
118 school district that accepts a student under this subsection may  
119 not assess any tuition fees against the transferring student.



(b) Before September 1 of each year, the board of trustees of the municipal separate school district shall certify to the State Department of Education the number of students in the added territory of the municipal separate school district who are transferred to the adjacent school district under this subsection. The municipal separate school district also shall certify the total number of students in the school district residing in the added territory plus the number of those students who are transferred to the adjacent school district. Based upon these figures, the department shall calculate the percentage of the total number of students in the added territory who are transferred to the adjacent school district and shall certify this percentage to the levying authority for the municipal separate school district. The levying authority shall remit to the school board of the adjacent school district, from the proceeds of the ad valorem taxes collected for the support of the municipal separate school district from the added territory of the municipal separate school district, an amount equal to the percentage of the total number of students in the added territory who are transferred to the adjacent school district.

**SECTION 2.** This act shall take effect and be in force from and after July 1, 2019.

