

By: Representatives Huddleston, Sykes,
Willis, Dixon

To: Education

HOUSE BILL NO. 1116

1 AN ACT TO PROVIDE THAT A PUPIL COMPLIES WITH THE RESIDENCY
2 REQUIREMENTS OF A SCHOOL DISTRICT IF THE PUPIL'S PARENT IS
3 TRANSFERRED OR IS PENDING TRANSFER TO A MILITARY INSTALLATION
4 WITHIN THE STATE WHILE ON ACTIVE MILITARY DUTY PURSUANT TO AN
5 OFFICIAL MILITARY ORDER; TO REQUIRE A PARENT TO PROVIDE PROOF OF
6 RESIDENCE IN THE SCHOOL DISTRICT WITHIN TEN DAYS AFTER THE
7 PUBLISHED ARRIVAL DATE PROVIDED ON OFFICIAL DOCUMENTATION; TO
8 AMEND SECTION 37-15-29, MISSISSIPPI CODE OF 1972, IN CONFORMITY
9 THERETO; AND FOR RELATED PURPOSES.

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

11 **SECTION 1.** For purposes of this act, the following terms
12 shall have the meaning ascribed herein, unless context clearly
13 indicates otherwise:

14 (a) "Active military duty" means full-time military
15 duty status in the active uniformed service of the United States,
16 including members of the Mississippi National Guard and the
17 National Guard Reserve on active duty orders pursuant to Title 10
18 or 32 of the United States Code or Part 1 (commencing with Section
19 100) of Division 2 of the Military and Veterans Code.

20 (b) "Military installation" means a base, camp, post,
21 station, yard, center, home port facility for any ship, or other



activity under the jurisdiction of the United States Department of Defense or the United States Coast Guard.

(c) "Parent" means the natural or adoptive parent or guardian of a dependent child.

SECTION 2. (1) Notwithstanding Section 37-15-29, a pupil complies with the residency requirements for school attendance in a school district, if he or she is a pupil whose parent is transferred or is pending transfer to a military installation within the state while on active military duty pursuant to an official military order.

(2) A school district shall accept applications by electronic means for enrollment, including enrollment in a specific school or program within the school district, and course registration for pupils described in subsection (1).

(3) (a) The parent shall provide proof of residence in the school district within ten (10) days after the published arrival date provided on official documentation;

(b) For purposes of Section 1 of this act, a parent may use any of the following addresses as related to his or her military move:

(i) A temporary on-base billeting facility;

(ii) A purchased or leased home or apartment; or

(iii) Federal government or public-private venture off-base military housing.



46 **SECTION 3.** Section 37-15-29, Mississippi Code of 1972, is
47 amended as follows:

48 37-15-29. (1) Except as otherwise provided in subsections
49 (2), (3), (4) and (5) of this section and Sections 1 and 2 of this
50 act, no minor child may enroll in or attend any school except in
51 the school district of his residence, unless such child be
52 lawfully transferred from the school district of his residence to
53 a school in another school district in accord with the statutes of
54 this state now in effect or which may be hereafter enacted.

55 (2) Those children whose parent(s) or legal guardian(s) are
56 instructional personnel or certificated employees of a school
57 district may at such employee's discretion enroll and attend the
58 school or schools of their parent's or legal guardian's employment
59 regardless of the residence of the child.

60 (3) No child shall be required to be transported in excess
61 of thirty (30) miles on a school bus from his or her home to
62 school, or in excess of thirty (30) miles from school to his or
63 her home, if there is another school in an adjacent school
64 district located on a shorter school bus transportation route by
65 the nearest traveled road. Those children residing in such
66 geographical situations may, at the discretion of their parent(s)
67 or legal guardian(s), enroll and attend the nearer school,
68 regardless of the residence of the child. In the event the parent
69 or legal guardian of such child and the school board are unable to
70 agree on the school bus mileage required to transport the child



71 from his or her home to school, an appeal shall lie to the State
72 Board of Education, or its designee, whose decision shall be
73 final. The school districts involved in the appeal shall provide
74 the Mississippi Department of Education with any school bus route
75 information requested, including riding the buses as necessary, in
76 order to measure the bus routes in question, as needed by the
77 State Board of Education in considering the appeal.

78 (4) Those children lawfully transferred from the school
79 district of his residence to a school in another school district
80 prior to July 1, 1992, may, at the discretion of their parent(s)
81 or legal guardian(s), continue to enroll and attend school in the
82 transferee school district. Provided further, that the brother(s)
83 and sister(s) of said children lawfully transferred prior to July
84 1, 1992, may also, at the discretion of their parent(s) or legal
85 guardian(s), enroll and attend school in the transferee school
86 district.

87 (5) Those children whose parent(s) or legal guardian(s) are
88 active members of the United States Armed Forces or civilian
89 military personnel and reside on a military base, may, at the
90 discretion of their parent(s) or legal guardian(s), enroll and
91 attend the school district of their parent's or legal guardian's
92 choosing, regardless of the residence of the child, provided the
93 school district where the student resides or in an adjacent school
94 district and the parent's or guardian's choice of school district
95 does not violate the provision of subsection (3) of this section



96 prohibiting the transportation of students in excess of thirty
97 (30) miles.

98 **SECTION 4.** This act shall take effect and be in force from
99 and after July 1, 2019.

