

By: Senator(s) Hill

To: Education

SENATE BILL NO. 2826

1 AN ACT TO AMEND SECTION 37-15-31, MISSISSIPPI CODE OF 1972,  
 2 TO REMOVE THE AUTHORITY OF THE TRANSFERRING SCHOOL BOARD TO REJECT  
 3 A STUDENT'S APPLICATION TO TRANSFER; TO AMEND SECTION 37-151-93,  
 4 MISSISSIPPI CODE OF 1972, TO PROHIBIT THE TRANSFERRING SCHOOL  
 5 DISTRICT FROM CHARGING A FEE TO STUDENTS ACCEPTED BY ANOTHER  
 6 SCHOOL DISTRICT; AND FOR 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 \* \* \*  
26 approve the petition not later than its next regular meeting  
27 subsequent to the filing or lodging of the petition \* \* \*. The  
28 school board of the other school district involved (the transferee  
29 board) shall act on such request for transfer as soon as possible  
30 after the transferor board shall have approved \* \* \* such transfer  
31 and no later than the next regular meeting of the transferee  
32 board, and a failure of such transferee board to act within such  
33 time shall constitute a rejection of such request. If such a  
34 transfer is approved by the transferee board, then such decision  
35 shall be final. If such a transfer should be refused by the \* \* \*  
36 transferee board \* \* \*, then such decision shall be final.

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

40 (2) (a) Upon the petition in writing of any parent or  
41 guardian who is a resident of Mississippi and is an instructional  
42 or licensed employee of a school district, but not a resident of  
43 such district, the school board of the employer school district  
44 shall consent to the transfer of such employee's dependent  
45 school-age children to its district and shall spread the same upon



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

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

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

64 (d) Any such agreement by school boards for the legal  
65 transfer of a student shall include a provision providing for the  
66 transportation of the student. In the absence of such a provision  
67 the responsibility for transporting the student to the transferee  
68 school district shall be that of the parent or guardian.

69 (e) Any school district which accepts a student under  
70 the provisions of this subsection shall not assess any tuition



71 fees upon such transferring student in accordance with the  
72 provisions of Section 37-19-27.

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

92 (4) Upon the petition in writing of any parent or legal  
93 guardian of a school-age child who was lawfully transferred to  
94 another school district prior to July 1, 1992, as described in  
95 Section 37-15-29(4), the school board of the transferee school



96 district shall consent to the transfer of such child and the  
97 transfer of any school-age brother and sister of such child to its  
98 district, and shall spread the same upon the minutes of the board.

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

117 (b) Before September 1 of each year, the board of  
118 trustees of the municipal separate school district shall certify  
119 to the State Department of Education the number of students in the  
120 added territory of the municipal separate school district who are



121 transferred to the adjacent school district under this subsection.  
122 The municipal separate school district also shall certify the  
123 total number of students in the school district residing in the  
124 added territory plus the number of those students who are  
125 transferred to the adjacent school district. Based upon these  
126 figures, the department shall calculate the percentage of the  
127 total number of students in the added territory who are  
128 transferred to the adjacent school district and shall certify this  
129 percentage to the levying authority for the municipal separate  
130 school district. The levying authority shall remit to the school  
131 board of the adjacent school district, from the proceeds of the ad  
132 valorem taxes collected for the support of the municipal separate  
133 school district from the added territory of the municipal separate  
134 school district, an amount equal to the percentage of the total  
135 number of students in the added territory who are transferred to  
136 the adjacent school district.

137       **SECTION 2.** Section 37-151-93, Mississippi Code of 1972, is  
138 amended as follows:

139       37-151-93. (1) Legally transferred students going from one  
140 school district to another shall be counted for adequate education  
141 program allotments by the school district wherein the pupils  
142 attend school, but shall be counted for transportation allotment  
143 purposes in the school district which furnishes or provides the  
144 transportation. The school boards of the school districts which  
145 approve the transfer of a student under the provisions of Section



146 37-15-31 shall enter into an agreement and contract for the  
147 payment or nonpayment of any portion of their local maintenance  
148 funds which they deem fair and equitable in support of any  
149 transferred student. Except as provided in subsection (2) of this  
150 section, local maintenance funds shall be transferred only to the  
151 extent specified in the agreement and contract entered into by the  
152 affected school districts. The terms of any local maintenance  
153 fund payment transfer contract shall be spread upon the minutes of  
154 both of the affected school district school boards. The school  
155 district accepting any transfer students shall be authorized to  
156 accept tuition from such students under the provisions of Section  
157 37-15-31(1) and such agreement may remain in effect for any length  
158 of time designated in the contract. The terms of such student  
159 transfer contracts and the amounts of any tuition charged any  
160 transfer student shall be spread upon the minutes of both of the  
161 affected school boards. No school district accepting any transfer  
162 students under the provisions of Section 37-15-31(2), which  
163 provides for the transfer of certain school district employee  
164 dependents, shall be authorized to charge such transfer students  
165 any tuition fees. The transferring school district shall not  
166 charge a fee to students accepted by another school district.

167 (2) Local maintenance funds shall be paid by the home school  
168 district to the transferee school district for students granted  
169 transfers under the provisions of Sections 37-15-29(3) and  
170 37-15-31(3), Mississippi Code of 1972, not to exceed the "base



171 student cost" as defined in Section 37-151-5, Mississippi Code of  
172 1972, multiplied by the number of such legally transferred  
173 students.

174           **SECTION 3.** This act shall take effect and be in force from  
175 and after July 1, 2020.

