

By: Representatives Owen, Tullos

To: Education

HOUSE BILL NO. 1349

1 AN ACT TO AMEND SECTIONS 37-15-13, 37-15-29 AND 37-15-31,  
 2 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE PARENT OR GUARDIAN OF A  
 3 SCHOOL AGE CHILD TO PETITION THE SCHOOL BOARD OF SCHOOL DISTRICT  
 4 THAT HIS OR HER CHILD WANTS TO ATTEND FOR APPROVAL OF A SCHOOL  
 5 TRANSFER; TO PROVIDE THAT FOR INTRA-DISTRICT SCHOOLS TRANSFERS,  
 6 THE SUPERINTENDENT MAY CONSENT TO SUCH TRANSFERS SUBJECT TO  
 7 RATIFICATION BY THE LOCAL SCHOOL BOARD; TO PRESCRIBE THE PROCEDURE  
 8 TO BE FOLLOWED BY THE TRANSFEREE UPON RECEIPT OF A WRITTEN  
 9 PETITION FOR TRANSFER FROM A PARENT AND THE TRANSFEROR SCHOOL  
 10 DISTRICTS UPON RECEIPT OF NOTICE FROM THE SCHOOL DISTRICT TO WHICH  
 11 THE TRANSFER IS SOUGHT; TO PROVIDE THAT APPROVAL OF TRANSFERS BY  
 12 THE DISTRICT IN RECEIPT MAY BE SUBJECT TO AVAILABLE CAPACITY TO  
 13 ACCOMMODATE THE TRANSFERRING CHILD WITH INSTRUCTION AT THE GRADE  
 14 LEVEL OF REQUEST TRANSFER; TO AMEND SECTION 37-151-93, MISSISSIPPI  
 15 CODE OF 1972, TO REQUIRE FOR THE COUNTING OF SUCH STUDENTS FOR  
 16 PURPOSES OF TRANSPORTATION ALLOTMENTS TO THE SCHOOL DISTRICTS; TO  
 17 PROHIBIT THE CHARGING OF TUITION FOR TRANSFER STUDENTS; AND FOR  
 18 RELATED PURPOSES.

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

20 **SECTION 1.** This act shall be known and may be cited as the  
 21 "Transfer Mississippi Act."

22 **SECTION 2.** Section 37-15-13, Mississippi Code of 1972, is  
 23 amended as follows:

24 37-15-13. When any child qualified under the requirements of  
 25 Section 37-15-9 shall apply or present himself for enrollment in  
 26 or admission to the public schools of any school district of this



27 state, the school board of such school district shall have the  
28 power and authority to designate the particular school or  
29 attendance center of the district in which such child shall be  
30 enrolled and which he shall attend \* \* \*. However, no enrollment  
31 of a child in a school shall be final or permanent until such  
32 designation shall be made by \* \* \* the school board. No child  
33 shall be entitled to attend any school or attendance center except  
34 that to which he has been assigned by the school board \* \* \*.  
35 However, upon the request of the child's parent or guardian,  
36 the \* \* \* school district superintendent, in his discretion, may  
37 consent to the enrollment of the child in another school district  
38 or attendance center in the school district, subject to  
39 ratification of the superintendent's consent by the school board,  
40 which must be recorded in the minutes of the school board.

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

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

50 (2) Those children whose parent(s) or legal guardian(s) are  
51 instructional personnel or \* \* \* licensed employees of a school



52 district may at such employee's discretion enroll and attend the  
53 school or schools of their parent's or legal guardian's employment  
54 regardless of the residence of the child.

55 (3) No child shall be required to be transported in excess  
56 of thirty (30) miles on a school bus from his or her home to  
57 school, or in excess of thirty (30) miles from school to his or  
58 her home, if there is another school in an adjacent school  
59 district located on a shorter school bus transportation route by  
60 the nearest traveled road. Those children residing in such  
61 geographical situations may, at the discretion of their parent(s)  
62 or legal guardian(s), enroll and attend the nearer school,  
63 regardless of the residence of the child. In the event the parent  
64 or legal guardian of such child and the school board are unable to  
65 agree on the school bus mileage required to transport the child  
66 from his or her home to school, an appeal shall lie to the State  
67 Board of Education, or its designee, whose decision shall be  
68 final. The school districts involved in the appeal shall provide  
69 the Mississippi Department of Education with any school bus route  
70 information requested, including riding the buses as necessary, in  
71 order to measure the bus routes in question, as needed by the  
72 State Board of Education in considering the appeal.

73 \* \* \*

74 ( \* \* \*4) Those children whose parent(s) or legal  
75 guardian(s) are active members of the United States Armed Forces  
76 or civilian military personnel and reside on a military base, may,



77 at the discretion of their parent(s) or legal guardian(s), enroll  
78 and attend the school or school district of their parent's or  
79 legal guardian's choosing, regardless of the residence of the  
80 child, provided the school district where the student  
81 resides \* \* \* and the parent's or guardian's choice of school  
82 district does not violate the provision of subsection (3) of this  
83 section prohibiting the transportation of students in excess of  
84 thirty (30) miles.

85 (5) Any child attending a school in a school district in  
86 this state may transfer to any school offering instruction at the  
87 grade level of the transferring student in any school district,  
88 subject to available capacity in the transferee school or school  
89 district, in the manner provided in Section 37-15-31.

90 **SECTION 4.** Section 37-15-31, Mississippi Code of 1972, is  
91 amended as follows:

92 37-15-31. (1) (a) \* \* \* A parent or guardian of a child  
93 enrolled in any school, in any school district in the state, may  
94 petition in writing to another school district in the state for  
95 that child to attend school in that district, provided the school  
96 that would be receiving the child upon approval of the transfer  
97 offers instruction at the grade level of the transferring student.

98 (b) Upon receipt of a written petition requesting the  
99 transfer of a child to a new district, the school board shall  
100 acknowledge receipt to the parent or guardian in writing and  
101 provide written notice to the school board of the district from



102 which the child would be transferring. Both the petition to the  
103 district to which the child would be transferring and the notice  
104 to the district from which the child would be transferred shall be  
105 spread upon the minutes of each school district. The petitioned  
106 district shall determine if there is capacity at the desired  
107 school, in the grade level, the transferring child is requesting  
108 to attend using publicly verifiable data. If the school board  
109 determines there is capacity, the child's transfer shall be  
110 approved, subject to the exception specified in paragraph (d) of  
111 this subsection.

112 ( \* \* \*c) The school board \* \* \* to which such petition  
113 may be addressed shall act thereon not later than its next regular  
114 meeting subsequent to the filing or lodging of the petition, and a  
115 failure to act within that time shall constitute \* \* \* acceptance  
116 of the request to transfer. \* \* \* Upon acceptance of the  
117 transfer, the school board of the district to which the child will  
118 be transferring shall supply notice to the school board of the  
119 district from which the child will be transferred, and the  
120 transfer shall be spread upon the minutes of each school district.  
121 If \* \* \* a transfer is approved by the \* \* \* school board of the  
122 district the child would be transferring into, then \* \* \* the  
123 decision shall be final. If \* \* \* a transfer should be refused by  
124 the school board, then such decision shall be final.

125 ( \* \* \*d) \* \* \* Should the school board receive more  
126 applicants for transfer that there is available capacity to



127 accommodate such applicants, selections to fill available capacity  
128 shall be made randomly through a public lottery system. Parents  
129 or guardians of children transferred under this subsection shall  
130 be responsible for the transportation of their child, though  
131 nothing in this subsection precludes a district from providing  
132 transportation should it so choose.

133 (2) (a) Upon the petition in writing of any parent or  
134 guardian who is a resident of Mississippi and is an instructional  
135 or licensed employee of a school district, but not a resident of  
136 such district, the school board of the employer school district  
137 shall consent to the transfer of such employee's dependent  
138 school-age children to its district and shall spread the same upon  
139 the minutes of the board. Upon the petition in writing of any  
140 parent or guardian who is not a resident of Mississippi and who is  
141 an instructional or licensed employee of a school district in  
142 Mississippi, the school board of the employer school district  
143 shall consent to the transfer of such employee's dependent  
144 school-age children to its district and shall spread the same upon  
145 the minutes of the board.

146 (b) The school board of any school district, in its  
147 discretion, may adopt a uniform policy to allow the enrollment and  
148 attendance of the dependent children of noninstructional and  
149 nonlicensed employees, who are residents of Mississippi but are  
150 not residents of their district. Such policy shall be based upon



151 the employment needs of the district, implemented according to job  
152 classification groups and renewed each school year.

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

157 (d) Any such agreement by school boards for the legal  
158 transfer of a student shall include a provision providing for the  
159 transportation of the student. In the absence of such a provision  
160 the responsibility for transporting the student to the transferee  
161 school district shall be that of the parent or guardian.

162 (e) Any school district which accepts a student under  
163 the provisions of this subsection shall not assess any tuition  
164 fees upon such transferring student in accordance with the  
165 provisions of Section 37-19-27.

166 (3) Upon the petition in writing of any parent or legal  
167 guardian of a school-age child who is a resident of an adjacent  
168 school district residing in the geographical situation described  
169 in Section 37-15-29(3), the school board of the school district  
170 operating the school located in closer proximity to the residence  
171 of the child shall consent to the transfer of the child to its  
172 district, and shall spread the same upon the minutes of the board.  
173 Any such agreement by school boards for the legal transfer of a  
174 student under this subsection shall include a provision for the  
175 transportation of the student by either the transferor or the



176 transferee school district. In the event that either the school  
177 board of the transferee or the transferor school district shall  
178 object to the transfer, it shall have the right to appeal to the  
179 State Board of Education whose decision shall be final. However,  
180 if the school boards agreeing on the legal transfer of any student  
181 shall fail to agree on which district shall provide  
182 transportation, the responsibility for transporting the student to  
183 the transferee school district shall be that of the parent or  
184 guardian.

185 (4) Upon the petition in writing of any parent or legal  
186 guardian of a school-age child who is the brother or sister of a  
187 person who was lawfully transferred to another school district  
188 \* \* \*, the school board of the transferee school district shall  
189 consent to the transfer of \* \* \* the school-age brother and  
190 sister \* \* \* to its district, and shall spread the same upon the  
191 minutes of the board.

192 (5) (a) If the board of trustees of a municipal separate  
193 school district with added territory does not have a member who is  
194 a resident of the added territory outside the corporate limits,  
195 upon the petition in writing of any parent or legal guardian of a  
196 school-age child who is a resident of the added territory outside  
197 the corporate limits, the board of trustees of the municipal  
198 separate school district and the school board of the school  
199 district adjacent to the added territory shall consent to the  
200 transfer of the child from the municipal separate school district





201 to the adjacent school district. The agreement must be spread  
202 upon the minutes of the board of trustees of the municipal  
203 separate school district and the school board of the adjacent  
204 school district. The agreement must provide for the  
205 transportation of the student. In the absence of such a  
206 provision, the parent or legal guardian shall be responsible for  
207 transporting the student to the adjacent school district. Any  
208 school district that accepts a student under this subsection may  
209 not assess any tuition fees against the transferring student.

210 (b) Before September 1 of each year, the board of  
211 trustees of the municipal separate school district shall certify  
212 to the State Department of Education the number of students in the  
213 added territory of the municipal separate school district who are  
214 transferred to the adjacent school district under this subsection.  
215 The municipal separate school district also shall certify the  
216 total number of students in the school district residing in the  
217 added territory plus the number of those students who are  
218 transferred to the adjacent school district. Based upon these  
219 figures, the department shall calculate the percentage of the  
220 total number of students in the added territory who are  
221 transferred to the adjacent school district and shall certify this  
222 percentage to the levying authority for the municipal separate  
223 school district. The levying authority shall remit to the school  
224 board of the adjacent school district, from the proceeds of the ad  
225 valorem taxes collected for the support of the municipal separate



226 school district from the added territory of the municipal separate  
227 school district, an amount equal to the percentage of the total  
228 number of students in the added territory who are transferred to  
229 the adjacent school district.

230 **SECTION 5.** Section 37-151-93, Mississippi Code of 1972, is  
231 amended as follows:

232 37-151-93. (1) Legally transferred students going from one  
233 school district to another shall be counted for adequate education  
234 program allotments by the school district wherein the pupils  
235 attend school, but shall be counted for transportation allotment  
236 purposes in the school district which furnishes or provides the  
237 transportation. Except as otherwise provided in subsection (2) of  
238 this section, the school boards of the school districts \* \* \*  
239 involved in the transfer of a student under the provisions of  
240 Section 37-15-31 shall enter into an agreement and contract for  
241 the payment or nonpayment of any portion of their local  
242 maintenance funds which they deem fair and equitable in support of  
243 any transferred student \* \* \*, and local maintenance funds shall  
244 be transferred only to the extent specified in the agreement and  
245 contract entered into by the affected school districts. The terms  
246 of any local maintenance fund payment transfer contract shall be  
247 spread upon the minutes of both of the affected school district  
248 school boards. \* \* \* No school district accepting any transfer  
249 students under the provisions of Section 37-15-31(2), which  
250 provides for the transfer of certain school district employee



251 dependents, or Section 37-15-31(5), which provides for the  
252 transfer of children residing an added territory to an adjacent  
253 district, shall be authorized to charge such transfer students any  
254 tuition fees.

255 (2) Local maintenance funds shall be paid by the home school  
256 district to the transferee school district for students granted  
257 transfers under the provisions of subsections (3) and (5) of \* \* \*  
258 Section 37-15-29 \* \* \* and subsections (3) and (5) of Section  
259 37-15-31 \* \* \*, not to exceed the "base student cost" as defined  
260 in Section 37-151-5, \* \* \*, multiplied by the number of such  
261 legally transferred students.

262 **SECTION 6.** This act shall take effect and be in force from  
263 and after July 1, 2022.

